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Jim McDonnell, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



June 25, 2015

Deputy Christopher Valente #[redacted]

Dear Deputy Valente:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business July 17, 2015.

An investigation under IAB File Number 2363319, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, when on or about March 25, 2015, you knowingly gave untruthful or misleading statements during your formal interview, as evidenced by, but not limited to:

   a) denying you directed Deputy [redacted] to return methamphetamine back to Witness [redacted] on August 18, 2013; and/or,

   b) denying you directed any trainees to give drugs back to suspects or people that you detained; and/or,

   c) denying that you returned drugs back to suspects or people you detained, with the exception of marijuana.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; 3-01/030.10, Obedience to Laws, Regulations, and Orders as it pertains to 3-01/110.60 (Use of Informants); 3-01/110.65, Informant Packages; 3-01/110.75

Managing Informants; 3-01/050.10, Performance to Standards; and/or 3-01/100.35, False Information in Records, when on or about August 18, 2013, as well as on other admitted occasions, you failed to conform to the work standards established for your rank, failed to strictly adhere to the policies and procedures mandated prior to use of an informant, falsified information in a log, and returned what you believed to be methamphetamine to a suspect, as evidenced by, but not limited to:

a) recovering a crystalized substance believed to be methamphetamine from the person of Witness [redacted] and directing Witness [redacted], a trainee, to not arrest Witness [redacted], return the methamphetamine to Witness [redacted], and allow Witness [redacted] to leave; and/or,

b) admitting to a pattern and practice of returning recovered illegal narcotics to individuals in the field, negating the necessity to make an arrest or book evidence, in order to cultivate informants in a fashion inconsistent with the established policy and procedures for the use of informants; and/or,

c) entering and/or causing to be entered a false call clearance that failed to document misdemeanor and felony crimes, the seizure of illegal narcotics, and the search of Witness [redacted].

3. That in violation of the Manual of Policy and Procedures Sections 3-01/000.13, Professional Conduct – Core Values; 3-01/030.05, General Behavior; 3-01/030.10, Obedience to Laws, Regulations, and Orders as it pertains to a failure to carry out supervisory duties and responsibilities as it relates to FOD 91-3 (Training Officer/Trainee Standards of Conduct); 3-01/030.15, Conduct Towards Others; 3-01/030.73, Hazing; 3-01/030.85, Derogatory Language; and/or 3-01/050.10, Performance to Standards; and/or 3-01/020.62, Relationship with Subordinates, when on or about August 11, 2013 to September 14, 2013, April 1, 2014 to June 18, 2014, you were assigned as a field training officer and the supervisor over patrol trainees at East Los Angeles station, subjected three trainees to unreasonable, unnecessary, oppressive, and/or humiliating treatment which created an unprofessional environment filled with artificial stress and fear of retaliation, unconducive to learning that included the use of profanity/ and/or aggressive behavior/ and/or a lack of supervision or direction, and failing to

4. treat deputy sheriff trainees with respect, courtesy and consideration; as evidenced by, but not limited to:

   a) physically searching the person of Witness [redacted] by emptying his pockets, grabbing his shirt, and throwing his personal belongings out; and/or physically searching the person of Witness [redacted] by patting him down, checking his pockets for recording devices, emptying his pockets, and/or having to show the contents of his wallet – all whilst asking where he was from, asking why he was there, asking if he was a spy, and/or asking who he worked for; and/or,

   b) emptying the entire contents of Witness [redacted]'s file box into the trunk of a patrol vehicle, telling him to fix it, for no legitimate training purpose; and/or,

   c) failing, as a supervisor, to ensure Witnesses [redacted] and [redacted] submitted for compensation when overtime was worked; and/or,

   d) screaming at or using profanity toward Witnesses [redacted], [redacted] and [redacted] on numerous occasions while they were on training, including, but not limited to the following. Most notably using profanity toward Witness [redacted], stating, "Fuck, you're old." You used words toward Witness [redacted] to the effect of "well, fucking fix that shit", and/or "fucking idiot". You used profanity towards Witness [redacted] to the effect of "fuckin' answer the radio," "now you fuckin better tell me where we're at", "I'm getting shot right now so fucking put it out", "next time you want to fucking talk to me…", and/or "just fucking roll it up, dude". You belittled and/or screamed at Witness [redacted]; and/or,

   e) asking for money from Witness [redacted] to pay for your lunch, and failing to pay it back; and/or,

   f) leaving trainees unattended, and/or not showing them how to book a person or property; and/or,

   g) throwing Witness [redacted]'s pen out a window, slapping Witness [redacted]'s notebook out of his hand, and/or throwing out his patrol maps; and/or,

h) in a taunting fighting stance, stated to Witness [redacted] words to the effect of, "are you stepping up to me?"

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Bobby D. Denham, on July 22, 2015, at 1000 hours, in his office, which is located at 211 West Temple Street, [redacted] Floor, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to July 22, 2015, for your oral response, please call Chief Denham's secretary at [redacted], for an appointment.

If you choose to respond in writing, please call Chief Denham's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Denham's office by no later than July 17, 2015.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Donnie L. Mauldin, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

BDD:EMS:DLM:lp

cc: Advocacy Unit
Employee Relations Unit
Chief Bobby D. Denham, Central Patrol Division
Internal Affairs Bureau
(File # IV2363319)







COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF

August 25, 2015

Deputy Christopher Valente, #[redacted] Date of Department Hire 03/23/1999

[redacted]

Dear Deputy Valente:

On June 25, 2015, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2363319. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on August 25, 2015.

An investigation under File Number IAB 2363319, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, when on or about March 25, 2015, you knowingly gave untruthful or misleading statements during your formal interview, as evidenced by, but not limited to:

a) denying you directed Deputy [redacted] to return methamphetamine back to Witness [redacted] on August 18, 2013; and/or,

b) denying you directed any trainees to give drugs back to suspects or people that you detained; and/or,

c) denying that you returned drugs back to suspects or people you detained, with the exception of marijuana.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; 3-01/030.10, Obedience to Laws, Regulations, and Orders as it pertains to 3-01/110.60 (Use of Informants); 3-01/110.65, Informant Packages; 3-01/110.75 Managing Informants; 3-01/050.10, Performance to Standards; and/or 3-01/100.35, False Information in Records, when on or about August 18, 2013, as well as on other admitted occasions, you failed to conform to the work standards established for your rank, failed to strictly adhere to the policies and procedures mandated prior to use of an informant, falsified information in a log, and returned what you believed to be methamphetamine to a suspect, as evidenced by, but not limited to:

a) recovering a crystalized substance believed to be methamphetamine from the person of Witness [redacted] and directing Witness [redacted], a trainee, to not arrest Witness [redacted], return the methamphetamine to Witness [redacted], and allow Witness [redacted] to leave; and/or,

b) admitting to a pattern and practice of returning recovered illegal narcotics to individuals in the field, negating the necessity to make an arrest or book evidence, in order to cultivate informants in a fashion inconsistent with the established policy and procedures for the use of informants; and/or,

c) entering and/or causing to be entered a false call clearance that failed to document misdemeanor and felony crimes, the seizure of illegal narcotics, and the search of Witness [redacted].

3. That in violation of the Manual of Policy and Procedures Sections 3-01/000.13, Professional Conduct – Core Values; 3-01/030.05, General Behavior; 3-01/030.10, Obedience to Laws, Regulations, and Orders as it pertains to a failure to carry out supervisory duties and responsibilities as it relates to FOD 91-3 (Training Officer/Trainee Standards of Conduct); 3-01/030.15, Conduct Towards Others; 3-01/030.73, Hazing; 3-01/030.85, Derogatory Language; and/or 3-01/050.10, Performance to Standards; and/or 3-01/020.62, Relationship with Subordinates, when on or about August 11, 2013 to September 14, 2013, April 1, 2014 to June 18, 2014, you were assigned as a field training officer and the supervisor over patrol trainees at East Los Angeles station, subjected three trainees to unreasonable, unnecessary, oppressive, and/or humiliating treatment which created an unprofessional environment filled with artificial stress and fear of retaliation, unconducive to learning that included the use of profanity/ and/or aggressive behavior/ and/or a lack of supervision or direction, and failing to treat deputy sheriff trainees with respect, courtesy and consideration; as evidenced by, but not limited to:

a) physically searching the person of Witness [redacted] by emptying his pockets, grabbing his shirt, and throwing his personal belongings out; and/or physically searching the person of Witness [redacted] by patting him down, checking his pockets for recording devices, emptying his pockets, and/or having to show the contents of his wallet – all whilst asking where he was from, asking why he was there, asking if he was a spy, and/or asking who he worked for; and/or,

b) emptying the entire contents of Witness [redacted]'s file box into the trunk of a patrol vehicle, telling

him to fix it, for no legitimate training purpose; and/or,

c) failing, as a supervisor, to ensure Witnesses [redacted] and [redacted] submitted for compensation when overtime was worked; and/or,

d) screaming at or using profanity toward Witnesses [redacted], [redacted] and [redacted] on numerous occasions while they were on training, including, but not limited to the following. Most notably using profanity toward Witness [redacted], stating, "Fuck, you're old." You used words toward Witness [redacted] to the effect of "well, fucking fix that shit", and/or "fucking idiot". You used profanity towards Witness [redacted] to the effect of "fuckin' answer the radio," "now you fuckin better tell me where we're at", "I'm getting shot right now so fucking put it out", "next time you want to fucking talk to me…", and/or "just fucking roll it up, dude". You belittled and/or screamed at Witness [redacted]; and/or,

e) asking for money from Witness [redacted] to pay for your lunch, and failing to pay it back; and/or,

f) leaving trainees unattended, and/or not showing them how to book a person or property; and/or,

g) throwing Witness [redacted]'s pen out a window, slapping Witness [redacted]'s notebook out of his hand, and/or throwing out his patrol maps; and/or,

h) in a taunting fighting stance, stated to Witness [redacted] words to the effect of, "are you stepping up to me?"

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

BOBBY D. DENHAM, CHIEF
CENTRAL PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

BDD:EMS:DLM:bs

cc: Advocacy Unit
Bobby D. Denham, Chief, Central Patrol Division
Steve E. Biagini, Captain, East Los Angeles Station
Internal Affairs Bureau
Judy A. Gerhardt, Captain, Personnel Administration
Doreen Garcia, Pay & Leave Management

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

ADMINISTRATIVE
INVESTIGATIVE SUMMARY
#IV2363319

SUBJECT: Deputy Christopher Valente #[redacted]

Lieutenant [redacted]

LOCATION: 5019 E. Third Street
Los Angeles, CA 90022

DATE/TIME OF INCIDENT: August 11, 2013
2300 hours

DATE OF DEPARTMENT KNOWLEDGE: July 08, 2014

SYNOPSIS

The Sheriff's Department received an anonymous report of potential misconduct via the "LASDTips" portal **(Exhibit A).** The report alleged general mistreatment of deputy sheriff's participating in the field training program at East Los Angeles Sheriff's Station. The report alleged that deputy sheriff trainees were not allowed to eat and were kept past their shifts without being compensated for the additional hours worked. The report also alleged two deputies on training were left at a location and returned to the station by the California Highway Patrol.

Due to the vague allegations of mistreatment, Lieutenant Bardon from East Los Angeles station conducted interviews with personnel currently on training status and personnel who recently participated in the training program. Lieutenant Bardon identified Deputy John Sandoval and Deputy Jesus Alamillo as the two deputies who were left at a location and later transported to East Los Angeles Station by the California Highway Patrol. It was determined by Lt. Bardon the deputies left behind was because of a

simple oversight on the responding deputies' part. Lieutenant Bardon's investigation determined that the commentary by the personnel interviewed was mostly positive regarding the training program at East Los Angeles Station. Lieutenant Bardon identified Deputy [redacted], Deputy [redacted] and Deputy [redacted] who made allegations of mistreatment by their Field Training Officer, Deputy Christopher Valente. IAB Investigators interviewed all deputies that were assigned to Deputy Christopher Valente to determine how they were treated during the time they participated in the field training program at East Los Angeles Station.

INVESTIGATION

Witness, Complainant and Subject interviews were conducted and verbatim interview transcriptions are attached in this investigation. Following is a summary of the witness, complainant and subject statements.

Witness Deputy [redacted]

On January 13, 2015, IAB Investigators Sergeant Jess Carrasco and Sergeant Terisa River interviewed Deputy [redacted]. Witness [redacted] said he was treated unprofessionally by his Field Training Officer, Deputy Christopher Valente. Witness [redacted] said on his first day of training, Subject Valente had him exit the patrol unit and meet him at the rear of the patrol vehicle, which was parked in the station's parking lot. Subject Valente ordered Witness [redacted] to empty the contents of his pockets on to the trunk of the patrol vehicle. Subject Valente then patted the outer pockets of Witness [redacted] and asked him if he was a spy. Subject Valente asked Witness [redacted] if he was a spy on numerous occasions and asked if he had any recording devices on his person.

Witness [redacted] remembered an incident, while participating in the field training program where he was writing a report with a new mechanical pencil. While writing the report, his pencil lead broke twice. Subject Valente snatched the pencil out of Witness [redacted]'s hand and tossed the pencil out the patrol vehicle's window. At the time of the incident, Subject Valente and Witness [redacted] were detaining a female in the backseat of their patrol car, for a possible burglary. The female in the backseat of the vehicle said, "Why are you being so mean to him?" Witness [redacted] then said a tow truck driver arrived at the location and found his pencil on the ground by the patrol vehicle. The tow truck driver picked the pencil up and said, "This is a nice pencil" and Subject Valente responded, "Oh you can have it."

Witness [redacted] said he was not allowed to eat while on training by Subject Valente. He said Subject Valente never told him he was not allowed to eat however, he felt, that it was implied. On occasion Subject Valente would use the drive through of restaurants and would ask Witness [redacted] for a few dollars to pay for Subject Valente's meal. Subject Valente would not ask Witness [redacted] if he wanted to eat. On other occasions,

Subject Valente would meet other deputies at restaurants and would tell Witness [redacted] to wait in the vehicle while he ate in the restaurant. Witness [redacted] never ate around Subject Valente and would take the opportunity to eat a Power Bar when Subject Valente was not in his presence.

Witness [redacted] said Subject Valente would rarely speak to him or inquire about any personal needs he might have had. Witness [redacted] said usually the only time Subject Valente communicated with him was to ask him if he was a spy or to yell at him during radio calls. Witness [redacted] also remembered Subject Valente slapping his notebook out of his hands during calls, if he felt Witness [redacted] was not obtaining information in a timely manner. Witness [redacted] could not remember how many times Subject Valente slapped his notebook out of his hands.

Witness [redacted] said he often stayed past his regular work shift to complete work he had accumulated during his shift and was not compensated for the additional hours worked. Witness [redacted] said on one occasion, he asked Subject Valente if he should submit an overtime slip for the additional hours worked. Subject Valente responded, "What do you think?" Witness [redacted] asked, "Is that a no, sir?" Subject Valente walked away without responding. Witness [redacted] said neither Subject Valente, nor any of the supervisors, ever told him he was not able to submit for overtime. Witness [redacted] believed it was only appropriate to submit for overtime when supervisors told him to submit for the additional hours.

IAB Investigators asked Witness [redacted] if Subject Valente had asked him for money. Witness [redacted] said he remembered one specific occasion when Subject Valente asked him for money while going through the Jack-in the-Box drive through. On other occasions, Witness [redacted] felt that it was implied that Subject Valente wanted him to have money on hand for those instances when he required it from him. IAB Investigators asked Witness [redacted] if he ever thought about telling Subject Valente, "No" when he asked him for money. Witness [redacted] said he did not because he felt Subject Valente could ruin him by giving him a bad reputation.

Witness [redacted] remembered an incident when Subject Valente intentionally emptied out his report file box in the truck of the patrol vehicle. Witness [redacted] did not know the reason why Subject Valente emptied out his file box other than he believed it was to haze him and make him quit the field training program. After empting the file box, Subject Valente asked Subject [redacted] for a report that he had just written. Witness [redacted] told Subject Valente it was underneath the pile of papers he had dumped in the trunk of the vehicle. Subject Valente became upset and said, "Are you stepping to me, [redacted]? Are you stepping to me?" Subject Valente then took two steps toward Witness [redacted] and Witness [redacted] said, "No sir." Witness [redacted] felt Subject Valente was challenging him to a fight and believes if he had taken a step toward Subject Valente a fight would have occurred.

Witness [redacted] told IAB Investigators about a conversation he had with Subject Valente during his first week of the field training program. Subject Valente asked him if he could fight and Witness [redacted] responded, "Yes." Subject Valente then said, "We'll see about that. If I take you to an alley, and you get into a fight, I'm not going to help you. You are on your own."

Witness [redacted] told IAB Investigators Subject Valente often used profanity when talking to him. He remembered, on an unknown date, Subject Valente called him a "Fucking idiot" while in the parking lot of the station, and threw his notebook out the car window. On another occasion, on an unknown date, Subject Valente threw his patrol maps out the window in front of Deputy Manuel Navarro and Deputy [redacted].

Witness [redacted] told IAB Investigators he decided to end the field training program at East Los Angeles Station on either June 22, or 24, 2014, because he could no longer deal with the manner in which he was being treated. On the same day he was given a radio and statistical code test by Subject Valente. Afterward he and [redacted] had a conversation with Subject Lieutenant [redacted] regarding the results of his test. Subject [redacted] told Witness [redacted] he should know his radio and statistical codes, and should go back to custody and take time to study his radio and statistical codes. After having the conversation with Subject [redacted], he decided to end the field training program. Witness [redacted] added that Subject Valente made his life miserable, was hazed, and was hostile toward him.

IAB Investigators asked Witness [redacted] if he ever told any supervisor about the manner in which he was treated, while participating in the field training program. Witness [redacted] said he informed Sergeant Angelica Estrada that Subject Valente had thrown his maps out the car window, used profanity toward him, and threw his pencil out the window. Sergeant Angelica Estrada then asked Witness [redacted] to meet with her and Lieutenant Bardon to further discuss the matter. Lieutenant Bardon conducted an interview with Witness [redacted] and also interviewed all deputies who, at the time, were currently participating in, or had participated in the training program. Lieutenant Bardon completed a potential misconduct inquiry memorandum **(Exhibit B).**

On January 30, 2015, Witness [redacted] provided IAB Investigators a log **(Exhibit C)** containing the dates and hours worked past his regular shift hours. The log was provided to East Los Angeles Station Operation's Lieutenant Bardon. On March 12, 2015, the Los Angeles County Sheriff's Department settled the claim with Deputy [redacted].

Witness Deputy [redacted]

On January 14, 2015, IAB Investigators Sergeant Jess Carrasco and Jose Uribe interviewed Witness Deputy [redacted]. Witness [redacted] remembered on his first day of patrol training with Subject Valente, he had him empty out his pockets. After he emptied out his pockets, Subject Valente grabbed at Witness [redacted]'s pockets to see what was in them. Subject Valente then drove to the rear parking lot of the park located behind East Los Angeles Station. Subject Valente had Witness [redacted] exit the patrol vehicle and began to search Witness [redacted]'s pockets. Subject Valente removed the items from Witness [redacted]'s pockets and began throwing the items on the hood of the patrol vehicle. As Subject Valente removed the items from Witness [redacted]'s pockets, he commented on items that Witness [redacted] would not need. Witness [redacted] never thought about asking Subject Valente why he was searching him. Witness [redacted] believed that Subject Valente was searching him for a recording device.

Witness [redacted] told IAB Investigators about an occasion when they conducted a traffic stop on Cesar Chavez Avenue and Eastern Avenue of a motorist who was driving with his headlights off in darkness. Witness [redacted] said the sole occupant of the vehicle was driving a white Toyota Camry or Toyota Corolla and remembered the occupant was a Mexican national who was unlicensed. The occupant of the vehicle was searched prior to being placed in the backseat of the patrol car by Witness [redacted]. Witness [redacted] then searched the vehicle while Subject Valente searched the items removed from the driver's person.

Subject Valente asked Witness [redacted] to ask the driver where the drugs were at. The driver responded that he did not have any drugs, at which time, Subject Valente provided a small bindle of methamphetamine to Witness [redacted] and said, "Ask him where he got this at?" The driver said the methamphetamine was not his and was simply holding it for a friend. Witness [redacted] informed Subject Valente he was arresting the driver for possession of methamphetamine and Subject Valente said, "No you are not." Witness [redacted] again informed Subject Valente he was arresting the driver and Subject Valente responded, "What did I just fucking tell you? I said kick him, when you find shit, you take people to jail." Subject Valente then instructed Witness [redacted] several times to return the methamphetamine to the driver, which he did because he did not want to argue with Subject Valente.

Witness [redacted] said on the day of the traffic stop, he had only previously seen methamphetamine in pictures, and described the substance as a crystalline substance that was packaged in a black plastic bindle. Witness [redacted] said after the traffic stop, he had later arrested suspects for possession of methamphetamine. He said the substance in his arrest looked the same as the substance that was returned to the driver who was detained at Cesar Chavez and Eastern Avenue.

Witness [redacted] told IAB Investigators of another incident in which they were patrolling, and Subject Valente told Witness [redacted] he had to tell him something so that it would not come as a surprise when it occurs. Subject Valente said, "When you get in a fight, and you will get in a fight, don't look at me because if you do, you are going to see me with my hands crossed just looking at you fight." Subject Valente said, "And you got to fucking beat them up because I'm not getting involved. And guess what? You want radio traffic? You better put it out yourself because I'm not putting it out."

Witness [redacted] said on an unknown date he remembered being contacted by Lieutenant Bardon, after previously working eighteen to nineteen hours and only sleeping one or two hours. Lieutenant Bardon informed Witness [redacted] he would not be allowed to work the field and was assigned to the front desk. When Subject Valente arrived at the station, he contacted Witness [redacted] outside of the front desk area and told him, "Who in the fuck are you to be talking to a supervisor and why in the fuck are you even in the locker room." Witness [redacted] initially tried to explain the circumstances to Subject Valente and then decided to apologize for his actions.

Witness [redacted] said his work shifts ranged between fourteen to eighteen hours on a daily basis. During the training period he was assigned to Subject Valente, he was not compensated for the additional hours worked. Witness [redacted] said during the time he was assigned to Deputy Valdez, he would ensure Witness [redacted] submitted overtime for any additional hours worked. Witness [redacted] said Subject Valente never told him he was not allowed to submit for any additional hours and added Subject Valente never stayed past his regular shift with Witness [redacted]. On one occasion, he remembered being contacted by Field Training Officer Deputy Rafael Munoz who asked him why he was spending long hours past his shift without his field training officer, Subject Valente. Deputy Munoz told Witness [redacted] he would be having a conversation with Subject Valente to discuss the concern.

IAB Investigators asked Witness [redacted] if he was allowed to eat while participating in the field training program. Witness [redacted] said he was never told by anyone that he was not allowed to eat. Witness [redacted] said he would eat from his lunch box while his field training officer would eat at a restaurant with others. Witness [redacted] added that during the time he was assigned to Deputy Valdez, he was told to eat whenever possible.

Witness [redacted] said at one point on training, he was documenting all the different incidents he was experiencing with Subject Valente. Witness [redacted] decided to throw the documentation away, because he figured it would not benefit him in any manner. Witness [redacted] said he felt Subject Valente had it in for him. Witness [redacted] said Deputy Andy Casanova had told him, on an unknown date, that he had heard Subject Valente tell a couple of people "Anybody that rolls up [redacted], I will give up my stripes for whomever rolls him up."

IAB Note: The term "Roll it up" means to end the field training program.

Witness [redacted] said on numerous occasions throughout training, Subject Valente told him to roll it up. He remembered an occasion when Subject Valente asked him for his age. Witness [redacted] told Subject Valente he was forty years old and Subject Valente responded, "Fuck you're old. Fuck, dude, fucking roll it up."

IAB Note: IAB Investigators contacted the Intake Specialist Unit and filed a Policy of Equality Report (Exhibit D).

Witness [redacted] said in addition to Subject Valente telling him "to roll it up", he also overheard Subject [redacted] talking about him and say, "He's got to get rolled up, you know?" Witness [redacted] said the comment came as a result of a mistake while booking evidence and Sergeant Diviak bringing it to the attention of Subject [redacted]. When Sergeant Anna Diviak informed Subject [redacted] in his office of the mistake, Witness [redacted] was standing by the Watch Sergeant's office, which is ten to fifteen feet away from the Watch Commander's office. Subject [redacted] was yelling in a loud voice "He's got to get rolled up, you know?" Sergeant Diviak told Subject [redacted] that it was a misunderstanding and Subject [redacted] responded, "No, he needs to be fucking rolled up." Witness [redacted] said Subject [redacted] never said the comments to him directly however, he was sure they were talking about him because they were talking about not properly booking evidence, then Subject [redacted] made the comments immediately thereafter in context.

After hearing the comments made by Subject [redacted], Witness [redacted] said he was crushed and began to cry. Witness [redacted] said his Field Training Officer Deputy Valdez noticed his behavior and asked him what was wrong. Witness [redacted] began to cry in the presence of Deputy Valdez and told him what he had heard Subject [redacted] say. Witness [redacted] said Deputy Valdez told him they should confront Subject [redacted] about the comments made, however Witness [redacted] refused.

Witness [redacted] told IAB Investigators about a prior incident with Subject [redacted]. He said his assigned Field Training Officer, Deputy Valdez, was absent from work one day and Subject [redacted] summoned for Witness [redacted]'s presence in his office. Witness [redacted] and Subject [redacted] had an approximate thirty to forty five minute conversation. During the conversation, Witness [redacted] got the feeling Subject [redacted] wanted him to terminate field training. Witness [redacted] asked Subject [redacted] if he was asking him to roll it up and Subject [redacted] responded, "Actually, you are volunteering to roll it up." Witness [redacted] informed Subject [redacted] he was not going to end the field training program and Subject [redacted] asked him to think about it.

Witness [redacted] said after being assigned to Subject Valente for approximately one

month, he was assigned to Field Training Officer Deputy Eric Valdez for approximately five months. Witness [redacted] said he was treated fairly by Deputy Valdez and had learned a lot from him during their time together. At one point during training, Witness [redacted] was placed on a 60 day remediation period. At the conclusion of the remediation period, Deputy Valdez informed Witness [redacted] [redacted]. Witness [redacted] respected Deputy Valdez' opinion and [redacted] for Witness [redacted].

IAB Note: **On January 15, 2015 Lieutenant Victor Lewandowski from The Internal Criminal Investigation Bureau was contacted by Internal Affairs Bureau and informed regarding the traffic stop on Cesar Chavez Avenue and Eastern Boulevard where Subject Valente returned methamphetamine to the suspect. Lieutenant Lewandowski informed Internal Affairs Bureau that without scientific evidence the substance was in fact a narcotic, ICIB would not pursue a criminal investigation, and for IAB to continue with their administrative investigation.**

Witness Deputy [redacted]

On January 21, 2015, IAB Investigators Sergeant Jess Carrasco and Terisa River conducted an interview of Witness [redacted]. Witness [redacted] told IAB Investigators for his first five months of patrol training, he was assigned to Subject Valente. Witness [redacted] described their relationship as a teacher/student relationship and said he had learned a lot from Subject Valente. Witness [redacted] said Subject Valente ensured he always ate, because he had an issue with maintaining weight. Witness [redacted] said whenever they stayed past their normal work hours he was compensated for the additional hours worked and Subject Valente stayed with him at all times.

Witness [redacted] said Subject Valente never asked him for money and never had him purchase anything for anyone. Witness [redacted] said he was never harassed while participating in the field training program and never witnessed any incidents of hazing.

On February 26, 2015, IAB Investigators conducted a second interview of Witness [redacted]. IAB Investigator Carrasco asked Witness [redacted] if he had witnessed an incident in which Subject Valente grabbed Witness [redacted]'s patrol maps, then threw them out of the patrol vehicle's window. Witness [redacted] said he had not witnessed that incident.

Witness Deputy Fernando Galvan

On January 21, 2015, IAB Investigators Sergeant Jess Carrasco and Terisa River conducted an interview of Witness Galvan. Witness Galvan said Subject Valente was

his field training officer for about six months. Witness Galvan described his relationship with Subject Valente as always positive, with mutual respect, and a shared common goal to keep each other safe.

Witness Galvan said he was allowed to eat by Subject Valente and was compensated for any hours worked past his regular work hours. He said Subject Valente always stayed with him for the duration of their time at the station. He said he was never harassed during the time he participated in the field training program and never witnessed anyone else being hazed.

Witness Galvan told IAB Investigators Subject Valente was a very hard working training officer that made himself available, and was very respectful, and only expected hard work and dedication to the training program.

Witness Deputy Engelbert Perez

On January 21, 2015, IAB Investigators Sergeant Jess Carrasco and Sergeant Terisa River conducted an interview of Witness Perez. Witness Perez told IAB Investigators Subject Valente was his assigned field training officer during phase one of his training. Witness Perez said he had a good relationship with Subject Valente and remembered he stressed good officer safety and report writing.

Witness Perez said he was allowed to eat by Subject Valente and was compensated for any additional hours worked past his regular hours. Witness Perez said he was never hazed and never witnessed anyone else being hazed.

Witness Deputy Eduardo Muniz

On January 26, 2015, IAB Investigators Sergeant Jess Carrasco and Sergeant Terisa River conducted an interview of Witness Muniz. Witness Muniz told IAB Investigators Subject Valente was his assigned field training officer for three months. Witness Muniz said he had a great relationship with Subject Valente and was treated with respect.

Witness Muniz said he was not hazed and never witnessed anyone being hazed at East Los Angeles Station.

Witness Deputy Joshua Smilor

On January 27, 2015, IAB Investigators Sergeant Jess Carrasco and Sergeant Terisa River conducted an interview of Witness Smilor. Witness Smilor told IAB Investigators Subject Valente was his assigned field training officer from [redacted]. Witness Smilor described Subject Valente as being a good field training officer who had a lot of information to pass on.

Witness Smilor said he was not hazed and never witnessed anyone being hazed at East Los Angeles Station.

Witness Sergeant Anna Diviak

On February 03, 2015, IAB Investigators Sergeant Jess Carrasco and Terisa River conducted an interview of Witness Diviak. IAB Investigators asked Witness Diviak if she recalled an occasion when Subject [redacted] said, "Deputy [redacted] needs to get fuckin' rolled up or rolled up." Witness Diviak said she had not heard the mentioned comment and it would be surprising for her to hear profanity coming from Subject [redacted].

Witness Deputy Rafael Munoz

On February 03, 2015, IAB Investigators Sergeant Jess Carrasco and Terisa River conducted an interview of Witness Munoz. IAB Investigators asked Witness Munoz if he remembered asking Witness Deputy [redacted] why he was at the station hours past his shift. Witness Munoz remembered the contact and also remembered inquiring about the whereabouts of Witness [redacted]'s field training officer, Subject Valente. Witness Munoz denied telling Witness [redacted] he did not agree with Subject Valente leaving Witness [redacted] alone at the station, and that he would be having a conversation with Subject Valente.

Witness Deputy Sean Van Leeuwen

On February 04, 2015, IAB Investigator Jess Carrasco conducted an interview of Master Field Training Officer Van Leeuwen. IAB Investigators asked Witness Van Leeuwen to talk about the performance of Witness [redacted] and Witness [redacted] while participating in the field training program at East Los Angeles Station. Witness Van Leeuwen said Witness [redacted]. Witness [redacted], use of force, and department policy. Witness Van Leeuwen also said Witness [redacted] was [redacted].

After participating in the field training program for about a month, Witness [redacted] approached Witness Van Leeuwen and said he was not getting along with Subject Valente. Witness [redacted] made some vague complaints to Witness Van Leeuwen about not eating while on training, and having a personality conflict with Subject Valente. Witness Van Leeuwen said Witness [redacted] was a [redacted] and had previously told him to bring a sack lunch to be able to eat at regular intervals. Witness [redacted] admitted to not bringing his lunch and did not want to go into further details about his training experience.

Witness Van Leeuwen assigned Deputy Eric Valdez, who he felt was the most

experienced training officer, to Witness [redacted]. Witness Van Leeuwen ensured Witness [redacted]'s field training performance was documented, along with monitoring his overtime, to ensure he was not being over worked and was allowed to eat. Deputy Valdez's documentation revealed that Witness [redacted] was [redacted] and a meeting was scheduled with Witness [redacted]. During the meeting, his [redacted] were discussed with him. Witness [redacted] expressed [redacted].

Witness Van Leeuwen said Witness [redacted] initially appeared to be [redacted] until Subject Valente approached him and expressed to him that Witness [redacted] was having [redacted]. Witness Van Leeuwen and Subject Valente discussed ways to address [redacted] and soon after, Witness [redacted] approached him and expressed his [redacted].

Witness Van Leeuwen said Witness [redacted] told him that when one is told, "You do not belong" somewhere enough, you believe it. Witness [redacted] did not tell Witness Van Leeuwen who had made the comment. Witness [redacted] said he no longer wanted to participate in the field training program.

Witness Deputy Eric Valdez

On February 05, 2015, IAB Investigators Sergeant Jess Carrasco and Sergeant Jose Uribe conducted an interview of Witness Valdez. He said Witness [redacted] was assigned to him as a trainee after previously being assigned to Subject Valente. Witness Valdez said Witness [redacted] and it ultimately resulted in Witness [redacted]. Witness Valdez said Witness [redacted]'s [redacted]

Witness Valdez denied that Witness [redacted] approached him and cried after saying he overheard Subject [redacted] say, "He needs to get rolled up, and "He needs to get fuckin' rolled up" when referring to Witness [redacted]. Witness Valdez said he recalled an occasion when Witness [redacted] cried in his presence when discussing [redacted] and [redacted], while participating in the field training program. Witness Valdez said Witness [redacted] never complained to him about being mistreated by anyone at East Los Angeles Station.

Witness Valdez said he routinely kept his shift Lieutenant, Subject [redacted] informed of his assigned trainee's progress and would, at times, seek input from Subject [redacted]. Witness Valdez remembered having discussions with Subject [redacted] and discussing Witness [redacted]'s [redacted] and [redacted] in the field training program. During these conversations, Subject [redacted] provided suggestions and alternative methods [redacted].

Witness Valdez told IAB Investigators he was not aware of a conversation between Witness [redacted] and Subject [redacted] in which Subject [redacted] asked Witness [redacted] to, "Roll it up." He also said that Witness [redacted] never told him Subject [redacted] was trying to convince him to end the training program.

Witness Valdez said at some point in Witness [redacted]'s [redacted], it was determined that [redacted]. Witness [redacted]'s officer safety issues were overshadowing his other issues and he notified the training staff. The training staff at East Los Angeles Station and Witness Valdez had a discussion with Witness [redacted] about his [redacted]. Witness [redacted] was very receptive during the discussion and thanked Witness Valdez for his time and effort. He said he would be better [redacted]

Witness Andy Casanova

On February 11, 2015, IAB Investigators Sergeant Jess Carrasco and Terisa River conducted an interview of Witness Casanova. Witness Casanova said he [redacted]. He remembered Subject Valente, and Witness [redacted] who was participating in the field program with him at the same time. IAB Investigators asked Witness Casanova if during the time that he was participating in the field training program, if he had ever heard Subject Valente say that he would give up his field training stripes to anyone that rolled up Deputy [redacted]. Witness Casanova said he had not heard that comment or anything similar. Witness Casanova said he never heard Subject Valente say anything negative about Witness [redacted].

Witness Manuel Navarro

On February 26, 2015 IAB Investigator Jess Carrasco conducted an interview of Witness Navarro. IAB Investigators asked Witness Navarro if he witnessed an incident in which Subject Valente grabbed Witness [redacted]'s patrol maps, then threw them out the patrol vehicle's window. Witness Navarro said he had not witnessed that incident.

Witness [redacted]

On March 12, 2015, IAB Investigator Jess Carrasco and Terisa River conducted an interview of Witness [redacted]. Witness [redacted] said Subject Valente was his assigned field training officer for approximately two months. Witness [redacted] said during training, he felt that he had to figure things out on his own and was not taught by Subject Valente. IAB Investigators asked Witness [redacted] if he was allowed to eat by Subject Valente. Witness [redacted] said Subject Valente never told him he could not eat however, he remembered an incident when Subject Valente saw him eating a Power Bar. Subject Valente told

Witness [redacted] to clear the calls from the Mobile Digital Computer and stepped out of the car. Witness [redacted] took the opportunity to eat a Power Bar and while doing so, Subject Valente returned and asked Witness [redacted] if he was eating. Witness [redacted] said he was and Subject Valente told him, "You should not be shoving your face, you should be clearing calls." Witness [redacted] said Subject Valente had never told him he could not eat.

Witness [redacted] said he was not always compensated for the additional hours he stayed past his shift however, neither Subject Valente nor any Supervisor had ever told him he was not allowed to submit for overtime. Witness [redacted] said because he was participating in the field training program, he felt he should not have submitted for overtime. Witness [redacted] said nobody told him he was not allowed to submit for overtime and that he had decided on his own not to submit for the additional hours. Witness [redacted] remembered that on three or four occasions, Subject Valente approached him with an overtime slip and had him sign the overtime slip for the additional hours worked.

IAB Investigators asked Witness [redacted] if he had ever felt belittled while participating in the field training program. Witness [redacted] said he did not like the tone of voice Subject Valente used when talking to him in the presence of others. Witness [redacted] said he felt Subject Valente treated him like a child.

IAB Investigators asked Witness [redacted] if Subject Valente had ever instructed him to empty out his pockets. Witness [redacted] said yes however, it was to identify items that Subject Valente felt were necessary or not necessary for training. Witness [redacted] added Subject Valente never asked for money and never had him buy anything for anyone.

Witness [redacted] said about a month after getting a new field training officer, he heard Subject Valente had been [redacted] due to a [redacted]. Witness [redacted] started hearing rumors that people at the station believed he was the person who had [redacted] Subject Valente. Witness [redacted] said he felt like there was tension coming from the people at the station and felt people were no longer talking to him. Witness [redacted] said that he could not identify anyone that was accusing him of [redacted].

Witness [redacted]

On February 10, 2015, IAB Investigators Sergeant Jess Carrasco and Sergeant [redacted] conducted an interview of Witness [redacted]. Witness [redacted] remembered being stopped by a pair of deputies about a year and a half prior to our interview of him. Witness [redacted] said he was driving his white Toyota Tercell when he was stopped by deputies at Cesar Chavez Avenue and Eastern Avenue for a faulty headlight.

Witness [redacted] described the first deputy as taller than the second deputy with light skin complexion and reddish hair. The second deputy was shorter than the first deputy and had dark skin complexion with black hair.

> **IAB Note:** **IAB Investigators noted while conducting interviews of both Subject Valente and Witness [redacted], that Subject Valente was visibly taller with lighter skin and lighter colored hair than Witness [redacted]. In the following account, the deputy who is taller, with lighter complexion and lighter hair will be referred to as Deputy 1. The second Deputy will be referred to as Deputy 2.**

Witness [redacted] said after being stopped, he was placed in the backseat of the patrol vehicle. After being placed in the backseat, Deputy 2 searched his vehicle and searched him. Witness [redacted] said Deputy 2 then recovered the "crystal," which was wrapped in a clear plastic bindle from his pants pocket. Witness [redacted] described the "crystal" as a white crystal rock. Witness [redacted] said earlier in the day, he had taken the drugs from his friend and placed it in his pants pockets and forgot that he still had the drugs in his pocket.

Witness [redacted] said Deputy 2 recovered the "crystal" from his pants pockets and gave it to Deputy 1 to hold. Deputy 1 then returned the "crystal" to Witness [redacted].

Witness [redacted]

During a previous interview of Witness [redacted], he had informed IAB Investigators of an incident in which Subject Valente defenestrated his mechanical pencil from their patrol car, while detaining a female in the backseat of the patrol vehicle for a possible burglary. After the incident, Witness [redacted] said a tow truck driver picked up his mechanical pencil and said, "This is a nice pencil." Subject Valente then said, "You can have it."

IAB Investigators reviewed all Deputy Daily Worksheets for the time period Witness [redacted] and Subject Valente worked together. IAB Investigators discovered an incident that matched the incident previously described by Witness [redacted].

On June 13, 2014, Witness [redacted] and Subject Valente detained and arrested a female by the name of [redacted] (date of birth: [redacted], and resides at [redacted], phone [redacted]) [redacted]. During the detention of [redacted], Witness [redacted] who was a tow truck driver for [redacted], responded to the location to tow a vehicle.

On February 26, 2015, IAB Sergeant Jess Carrasco conducted an interview of Witness

[redacted]. Witness [redacted] remembered responding to [redacted] South Gerhart Avenue in the city of East Los Angeles and towing away a white Ford Explorer. Witness [redacted] did not remember what deputy he contacted when he arrived at the location and did not remember finding a mechanical pencil on the ground.

On February 26, 2015, IAB Investigators responded to [redacted]'s residence and attempted to contact her. No one was home and a business card was left at the location for [redacted] to contact the Internal Affairs Bureau. Numerous attempts were made by IAB Investigators to contact [redacted], but all attempts have failed.

Subject [redacted]

On March 11, 2015, IAB Sergeant Jess Carrasco and Sergeant Jose Uribe conducted an interview of Subject [redacted]. Subject [redacted] remembered Witness [redacted] struggling while participating in the field training program. He remembered Witness [redacted]

On one occasion, he saw Witness [redacted] working the front desk and not working with Subject Valente. Subject [redacted] had a conversation with Witness [redacted] and inquired why he was not working the field, and if he was having a problem with anything. Witness [redacted] said he had been assigned to Subject Valente for a period of time and during that of time he had not learned anything from Subject Valente. Witness [redacted] had expressed his concerns with the training staff and was assigned Deputy Eric Valdez as his new field training officer. Subject [redacted] said he told Witness [redacted] that he felt he was getting a very experienced and well-rounded field training officer and to remain positive and start over fresh.

Subject [redacted] told IAB Investigators he had a concern with Witness [redacted] having said he had not learned anything while assigned to Subject Valente and maybe Subject Valente did not possess the tools necessary to teach Witness [redacted]. Subject [redacted] expressed his concerns of Subject Valente's abilities as a field training officer with the training staff and discussed additional training for Subject Valente to make him a more effective field training officer. Subject [redacted] did not remember discussing any specific areas in which Subject Valente was lacking and only remembered discussing with the training staff Subject Valente's overall capabilities as a field training officer.

Subject [redacted] said he would occasionally have discussions with Witness Valdez about Witness [redacted]'s progression. Subject [redacted] said he ensured Witness Valdez was documenting Witness [redacted]'s progression and seeking advice from the training staff. Subject [redacted] said he also reviewed some of Witness [redacted]'s Daily Observation Reports that were authored by Witness Valdez.

Subject [redacted] denied ever saying that Deputy [redacted] needed to get rolled up or Deputy

[redacted], "needs to get fucking rolled up" or any similar comment. Subject [redacted] said during a conversation he had with Witness [redacted] about his training performance he remembered Subject [redacted] asked him if he was asking him to roll it up. Subject [redacted] told Witness [redacted] it was completely up to him and that he needed to evaluate his options. Subject [redacted] denied ever telling Witness [redacted] during that conversation that at the time it would be a voluntary roll up and later it would not be.

Subject [redacted] remembered Witness [redacted] participating in the field training program and struggling through the program. Subject [redacted] said he was approached by Subject Valente and asked him if he could have a talk with Witness [redacted], because he was having difficulties motivating him. During the conversation, Subject [redacted] said Witness [redacted] was very emotional about a recent death in his family and was talking about leaving the department. Subject [redacted] said they discussed a test that consisted of radio codes, elements of crimes and location awareness. Subject [redacted] said he was surprised when he found out that Witness [redacted] had performed [redacted]. Subject [redacted] said the test was basic and was information a person like Witness [redacted] should possess because he had prior law enforcement experience. As the conversation went on, Witness [redacted] told Subject [redacted] that he wanted to end the training program and return to custody where he could better prepare for the next time.

Subject [redacted] said he never had the opportunity to discuss Witness [redacted]'s training struggles with the training staff because Witness [redacted] decided to end the training on the day he found out about the struggles.

Subject Christopher Valente

On March 25, 2015, IAB Sergeant Jess Carrasco and Sergeant Terisa River conducted an interview of Subject Valente. Subject Valente told IAB Investigators he had been a field training officer for four years at East Los Angeles Station. Subject Valente said Witness [redacted] was assigned to him as a deputy sheriff trainee who was participating in the field training program. Subject Valente said Witness [redacted]'s performance while participating in the field training program was [redacted]. Subject Valente could not recall any specific areas that Witness [redacted] in or was [redacted]. Subject Valente said he noted Witness [redacted]'s performance on the Daily Observation Reports however, he could not remember the content of the reports. Subject Valente said he discussed the Daily Observation Reports with Witness [redacted] and he never had any questions, and always signed the reports.

Subject Valente said on occasion, when he stayed past his regular shift, he would sometimes submit overtime for the additional hours worked and sometimes he would not. On those occasions when he would not submit for the additional hours worked, he said he was just being a good deputy. Subject Valente said he never told Witness [redacted] he was not allowed to submit for overtime for the additional hours worked past

his regular shift.

Subject Valente said he never told Witness [redacted] that he was not allowed to eat. Subject Valente said when he would go eat, Witness [redacted] preferred to remain in the vehicle and write his reports. Subject Valente said he told all of his trainees to keep snacks and water with them in the front of the vehicle. Subject Valente said he would tell his trainees to have food in their system and to be hydrated at all times because he felt they would be of no use to him if they got into a physical struggle with a suspect and they had not eaten or hydrated.

IAB Investigators asked Subject Valente if he stayed with Witness [redacted] on those occasions when they had work that carried them past their regular work shift. Subject Valente said the majority of the time he stayed with Witness [redacted]. Subject Valente said he has left his trainees at the station after their regular shift when he had to attend to his family. Subject Valente said on those occasions, he would return to the station to be with his trainees or he would phone them to check on their progress.

IAB Investigators asked Subject Valente if he ordered Witness [redacted] to empty out his pockets on his first day of training. Subject Valente said it was his practice to inspect all of his trainee's equipment and would have them empty out their pockets. Subject Valente said he would go over with his trainees what he felt they should be carrying in their pockets. In addition, Subject Valente would also inspect their gun belts, war bags, report file boxes and ammo bags. Subject Valente said in conducting these inspections, he would often find that trainees were carrying unnecessary equipment. Subject Valente denied ever searching Witness [redacted]'s pockets.

IAB Investigators asked Subject Valente if he and Witness [redacted] had conducted a traffic stop of Witness [redacted] for driving in darkness without lights on at the 4300 block of Cesar Chavez Avenue in Los Angeles, on August 18, 2013. Subject Valente said he had no recollection of the traffic stop and could not say if he contacted [redacted]. Subject Valente was provided with a copy of his Deputy Daily Worksheet for August 18, 2013 **(Exhibit E)** and his Unit Details for August 18, 2013 **(Exhibit F).** After looking at both exhibits, Subject Valente had no recollection of the traffic stop. Subject Valente said he did not recover drugs from Witness [redacted] and did not direct Witness [redacted] to return methamphetamine to Witness [redacted]. Subject Valente said if Witness [redacted] was in possession of drugs, he would have been arrested. Subject Valente said prior to Proposition 47, when most drugs were felonies, he never returned drugs back to suspects.

IAB Investigators asked Subject Valente if during the time he was training Witness [redacted], if he had made a comment to him stating, "Anybody that rolls up [redacted], I will give them my FTO stripes for whoever rolls him up?" Subject Valente denied making that comment or a similar comment. IAB Investigators asked Subject Valente if

during the time he was training Witness [redacted], if he had asked what his age was and when he said he was forty years old, if he made a comment stating, "Fuck you're old, fuck dude, fuckin' roll it up?" Subject Valente said he knew he had asked Witness [redacted] his age, because that is a standard question he would ask his trainees along with asking them if they were married and had children. Subject Valente said he was pretty sure he had said, "Fuck you're old." Subject Valente denied saying, "Why don't you just roll it up?" Subject Valente said it was uncommon for a person to participate in the training program who was as old as Witness [redacted]. Subject Valente said he was not discriminating against Witness [redacted] and said the comment in a joking manner.

IAB Investigators asked Subject Valente if during the time he was training Witness [redacted], if he made a comment to him stating, "When you get into a fight, don't look at me because if you do, you're gonna see me with my hands crossed just looking at you fight and you got to fuckin' beat them up because I'm not getting involved and guess what? You want radio traffic? You better put it out yourself because I'm not putting it out?" Subject Valente denied saying that comment or any comment that was similar. Subject Valente said he would tell his trainees that if they were involved a fight they should have the mentality that he was not around. Subject Valente said his goal was to prepare his trainees to function as a one person patrol unit because ultimately they would be working a one man unit and would have to be able to survive on their own. Subject Valente said he would explain to his trainees that if they were involved in a fight, of course he would be involved however, their mindset would have to be as if they were on their own.

Subject Valente said Witness [redacted] was [redacted] Subject Valente felt that Witness [redacted] was shutting down and their relationship as Training Officer and Trainee had deteriorated. Subject Valente decided to approach the training staff and Witness [redacted] was [redacted] Deputy Eric Valdez.

IAB Investigators asked Subject Valente to tell us about Deputy [redacted]'s performance while participating in the field training program with him. Subject Valente said Witness [redacted] was performing at a [redacted] however, he did not remember the areas in which Witness [redacted]. Subject Valente said he noted Witness [redacted]'s performance in his Daily Observation Reports.

IAB Investigators asked Subject Valente if he and Witness [redacted] were compensated for additional hours worked past their regular shift. Subject Valente said he was sometimes compensated and other times he would not submit for the additional hours worked because he thought it was just part of being a good deputy. Subject Valente said he also felt, at times, that he failed to complete his work in the allotted time and would stay over whether he received compensation or not. Subject Valente said he never told Subject [redacted] he was not allowed to submit for the additional hours worked past their

regular shift.

IAB Investigators asked Subject Valente if he ever told Witness [redacted] that he was not allowed to eat. Subject Valente said he never told Witness [redacted] he could not eat. He said he gives all his trainees the same talk about eating and being hydrated. Subject Valente said he does not remember eating with or seeing Witness [redacted] eat, but believes they snacked in the car together.

Subject Valente denied ever asking any of his trainees for money, or asking them to buy anything for anyone else.

Subject Valente told IAB Investigators on most occasions he stayed with Witness [redacted] when they stayed past their shift. On those occasions when Subject Valente had to leave at the end of his regular shift, he would have fellow field training officers look after Witness [redacted].

Subject Valente told IAB Investigators that he had Witness [redacted] empty out his pockets for the same reason he had Witness [redacted] empty out his pockets. Subject Valente said it was his standard practice in order to determine if the trainees possessed the proper supplies. Subject Valente denied searching Witness [redacted]'s pockets and denied asking Witness [redacted] if he was a spy.

Subject Valente denied throwing Witness [redacted]'s mechanical pencil or his maps out the window of the patrol vehicle. Subject Valente also denied slapping Witness [redacted]'s notebook out of his hand. Subject Valente admitted he removed Witness [redacted]'s patrol forms from the sleeves in his file box in order for Witness [redacted] to reorganize the forms, because he was having difficulties finding forms. Subject Valente said he had previously talked to Witness [redacted] about organizing his patrol file box and had failed to do so. Subject Valente said he did not empty Witness [redacted]'s file box in the trunk of the patrol vehicle and said he never stated, "[redacted] are you stepping up to me" after Witness [redacted] became upset over his file box being emptied out in the trunk.

Subject Valente denied telling Witness [redacted] if he was involved in a fight, he was not going to help him. Subject [redacted] said he never said that comment to Witness [redacted].

Subject Valente said Witness [redacted]'s participation in the training program ended one night after Witness [redacted] had a conversation with Subject [redacted]. Subject Valente said Subject [redacted] told him that he had a conversation with Witness [redacted] and, he ([redacted]) had decided to end his participation in the field training program.

Subject Valente said he remembered Witness [redacted] being assigned to him as a trainee for approximately two months. He remembered Witness [redacted]'s performance while on training as being [redacted]. Subject Valente said Witness [redacted] was [redacted]

[redacted], but remembered specifically that he was [redacted] Subject Valente said Witness [redacted].

Subject Valente denied ever yelling at Witness [redacted] in front of other people. He denied ever stating, "Instead of shoving your face, you should be clearing calls," after instructing Witness [redacted] to clear the radio calls in the mobile digital computer and finding him eating an energy bar instead.

Witness [redacted] said he was [redacted], Marc Elizondo and said his performance on training improved. Witness [redacted]'s field training officer left on family leave. Witness [redacted] said he hated working with different deputies and decided to end the training program.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

ADMINISTRATIVE INVESTIGATIVE SUMMARY #IV2363319

SUBJECT: Deputy Christopher Valente #[redacted]

Lieutenant [redacted]

LOCATION: 5019 E. Third Street
Los Angeles, CA 90022

DATE/TIME OF INCIDENT: August 11, 2013
2300 hours

DATE OF DEPARTMENT KNOWLEDGE: July 08, 2014

ADDENDUM SUMMARY

On May 12, 2015, East Los Angeles Station's Captain Steven Biagini asked the Internal Affairs Bureau to interview Sergeant Angelica Estrada and Lieutenant David Infante in regard to the field training program at East Los Angeles Station. Copies of Witness [redacted]'s, Witness [redacted]'s and Witness [redacted]'s Daily Observation Reports have been included in the addendum. The addendum is to be added to the original case file for documentation purposes.

EXHIBITS (CONTINUED)

G Witness [redacted]'s Daily Observation Reports

H Witness [redacted]'s Daily Observation Reports

I Witness [redacted]'s Daily Observation Reports

SYNOPSIS

Witness Estrada who was the training sergeant and Witness Infante who was the operations lieutenant at East Los Angeles Station both stated Witness [redacted], Witness [redacted] and Witness [redacted] never contacted them and complained about the training program or their field training officer, Subject Valente, during the time they were on training. Both Witness Estrada and Witness Infante added that Subject Valente did not inform them of any problems he had experienced with his trainees.

Witness [redacted]'s Daily Observation Report for August 18, 2013, made mention Witness [redacted] and Subject Valente had detained a suspect who possessed methamphetamine. During Subject Valente's IAB interview, Subject Valente stated he did not recover drugs from the suspect and did not direct Witness [redacted] to return methamphetamine to the suspect.

Witness Sergeant Angelica Estrada

On May 12, 2015, IAB Investigators Sergeant Jess Carrasco and Sergeant [redacted] interviewed Witness Estrada. Witness Estrada said she was the training sergeant at East Los Angeles Station for the past two years. Witness Estrada remembered Witness [redacted] who participated in the field training program. Witness Estrada said Subject Valente was Witness [redacted]'s assigned field training officer. Witness Estrada said Witness [redacted] was [redacted]. Witness [redacted] and Master Field Training Officer Sean Van Leeuwen decided to [redacted] Witness [redacted] to Witness Valdez. Both Witness Estrada and Witness Infante agreed with Witness Van Leeuwen's decision.

Once assigned to Witness Valdez, Witness [redacted] continued to have [redacted] and Witness [redacted] decided to end his participation in the field training program and decided to [redacted]. Witness Estrada said once a deputy has decided to end the training program, an exit interview is held with the deputy. Witness Estrada explained the exit interview is first held between the deputy, the master field training officer and the training sergeant. The deputy then has a meeting with the operations lieutenant and the station captain. During the exit interview, the deputy is asked if they were treated fairly and are given the opportunity to talk about the training program. Witness Estrada said she and Witness Van Leeuwen conducted the exit interview with Witness [redacted] and he had no negative comments about the training program.

Witness Estrada said Witness [redacted] did not have [redacted]. She said Witness [redacted] had [redacted]. Witness [redacted] was on training a short time and during that time, Witness [redacted] never complained to her about

the training program. After Witness [redacted] ended the field training program, he contacted Witness Estrada and complained about the training program. The complaints were included in the potential misconduct inquiry memorandum **(Exhibit B)** completed by Lieutenant Bardon.

During the exit interview with Witness [redacted], he stated he was not prepared and wanted to spend more time in custody preparing for his return to patrol. Witness Estrada became aware of Witness [redacted]'s desire to return to custody by Lieutenant Infante, who was informed by Subject [redacted].

Witness Estrada said Witness [redacted] was not prepared for patrol training. Witness [redacted] had [redacted] with [redacted] Witness [redacted] [redacted] in some areas however, he became [redacted]. Witness Estrada said Witness [redacted] never contacted her and complained about his field training officer, Subject Valente.

Witness Estrada said the Daily Observation Reports are reviewed by the training staff and if a deputy is deficient in any area, Witness Van Leeuwen has a meeting with the deputy to discuss the deficiencies.

Witness Estrada said Subject Valente never complained to her about any issues with any of the deputies assigned to him. Witness Estrada said any issues that field training officers and trainees were experiencing were addressed by Witness Van Leeuwen. Witness Estrada did remember becoming involved in a conversation Subject Valente and Witness Van Leeuwen were having about Witness [redacted]'s medical condition that was not previously known to them. Subject Valente informed them that Witness [redacted] was not taking his medication.

Witness David Infante

On May 13, 2015, IAB Investigators Interviewed Witness Infante. Witness Infante said he was assigned as the East Los Angeles operations lieutenant for three and a half months during 2014. Witness Infante said during his tenure as the operations lieutenant, he never received any complaints from deputies participating in the field training program about Subject Valente. Witness Infante said Subject Valente never approached him with any complaints regarding any deputies participating in the field training program.

Witness Infante had no recollection of Witness [redacted] or Witness [redacted]. Witness Infante remembered Deputy [redacted] and believed he had voluntarily went back to custody.

Daily Observation Reports

On May 12, 2015, IAB Investigators collected Daily Observation Reports for Witness [redacted] **(Exhibit G),** Witness [redacted] **(Exhibit H)** and Witness [redacted] **(Exhibit I)** from Master Field Training Officer Van Leeuwen and included them in the addendum.

While reviewing Witness [redacted]'s Daily Observation Reports **(Exhibit H),** IAB Investigators viewed the Daily Observation Report for August 18, 2013. In viewing page four of the Daily Observation Report, Subject Valente wrote that during a traffic stop of a vehicle driving without headlights on Cesar Chavez and Eastern Avenue, Witness [redacted] gave commands that were loud and clear. Subject Valente said Witness [redacted] established control of the traffic stop. Subject Valente said Witness [redacted] had failed to locate the suspect's identification card, despite having searched the suspect's wallet. Subject Valente indicated Witness [redacted] also failed to locate a bindle of methamphetamine from the suspect's wallet. Subject Valente indicated the incident had occurred during tag number 10 on August 18, 2013.

On March 25, 2013, IAB Investigators interviewed Subject Valente and was shown his Deputy Daily Worksheet **(Exhibit E)** and his Unit History Report **(Exhibit F)** for August 18, 2013. The Deputy Daily Worksheet indicated a traffic stop was conducted on August 18, 2013 at 0024 hours, at the 4300 block of Cesar Chavez Avenue in the city of East Los Angeles, under tag number 10. The narrative portion of the call incident indicates a person by the name of [redacted], male, Hispanic with a date of birth of [redacted], was contacted and warned and advised for a violation of 24250 of the California Vehicle Code. During the interview, Subject Valente said he did not recover drugs from Witness [redacted] and did not direct Witness [redacted] to return methamphetamine to Witness [redacted].

IAB Note: The intersection of Cesar Chavez Avenue and Eastern Avenue in the city of East los Angeles is at the 4300 block of Cesar Chavez Avenue.

IAB Note: The Daily Observation Reports were acquired by IAB Investigators on May 12, 2015, after the IAB interview of Subject Valente.

IAB Note: Witness [redacted]'s Daily Observation Report dated August 18, 2013 (Exhibit H) is missing page two. Master Field Training Officer Sean Van Leeuwen was contacted by the Internal Affairs Bureau and said East Los Angeles Station did not have page two and the original copies no longer existed.



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

May 23, 2018

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***CHRISTOPHER VALENTE*** *for a hearing on his* ***discharge****, effective August 25, 2015, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 15-261**.

The Civil Service Commission, at its meeting held on May 16, 2018 approved findings in the above-entitled case. The petitioner's objections were overruled. Commissioner Nightingale was absent.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Steve Cheng
Interim Executive Director

Enclosure

c: Christopher Valente
Michael Goldfeder
Nohemi Gutierrez-Ferguson
Joan Manley

ROOM [redacted] KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE [redacted] • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective August 25, 2015, from the position of Deputy Sheriff, Sheriff's Department, of* **CHRISTOPHER VALENTE** **(Case No. 15-261)**	ORDER OF THE CIVIL SERVICE COMMISSION

On May 16, 2018, the Civil Service Commission of the County of Los Angeles over-ruled the Petitioner's objection. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, Joan Manley, to sustain the Department. Commissioner Nightingale was absent.

Dated this 23rd day of May, 2018.

STEVEN AFRIAT, President

DENNIS F. HERNANDEZ, Member

Absent
NAOMI NIGHTINGALE, Member

JOHN DONNER, Member

Z. GREG KAHWAJIAN, Member

LOS ANGELES COUNTY CIVIL SERVICE COMMISSION

In the Matter of the Appeal of:	)	Case No. 15-261
	)	
	)	
CHRISTOPHER VALENTE,	)	PROPOSED FINDINGS OF FACT,
Appellant,	)	CONCLUSIONS OF LAW,
	)	AND RECOMMENDATION
V.	)	
	)	
LOS ANGELES COUNTY	)	
SHERIFF'S DEPARTMENT,	)	
Respondent.	)	

RECEIVED
LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION
JAN 16 2018

APPEARANCES

For the Appellant:	Michael A. Goldfeder, ESQ, Attorney & Counselor at Law 400 Continental Blvd., [redacted] Floor Los Angeles, CA 90012
For the Respondent:	Nohemi Gutierrez Ferguson Gutierrez, Preciado & House, LLP 3020 East Colorado Blvd. Pasadena, CA 91107
Court Reporters:	Nelda Garcia, Joyce Silverman and Dawn Young
Hearing Officer:	Joan Clay Manley
Hearing Dates:	August 15, August 17, September 6, and September 12, 2017

ISSUES

The Civil Service Commission authorized the Hearing Officer to decide the issues in this matter as defined by the Commission on November 4, 2015, and adopted by the Parties at the time as follows:

1. Are the allegations contained in the Department's letter of August 25, 2015, true?
2. If any or all are true, is the discipline appropriate?
3. As a threshold issue to be decided first, was there a violation of the Public Safety Officer's Procedural Bill of Rights Act, Government Code Section 3304(d)?
4. If so, what is the appropriate remedy?

On April 21, 2016, Appellant filed a Petition for Writ of Mandate (Case #BS161807) pursuant to CCP 1085 with the Superior Court alleging that the Respondent's discipline imposed on Appellant is time barred and thus void.

On March 9, 2017, the Honorable James C. Chalfant, Judge of the Superior Court, Proposed Judgement granting in part and denying in part Petition for Writ of Mandate as follows:

1. Charge One against Petitioner, as set forth in the Department's June 25, 2015, Letter of Intent and August 25, 2015, Letter of Imposition, is timely.
2. Charge Two against Petitioner, as set forth in the Department's June 25, 2015, Letter of Intent and August 25, 2015, Letter of Imposition, is timely.
3. Charge Three against Petitioner, as set forth in the Department's June 25, 2015, Letter of Intent and August 25, 2015, Letter of Imposition, is untimely.
4. No attorney fees or statutory fees or penalties are awarded.

"**IT IS THEREFORE ORDERED** that a Writ of Administrative Mandamus shall issue from this Court, enjoining Defendants (Respondent) from taking any discipline or other adverse action against Petitioner (Appellant) based on the alleged policy violations in the third charge against Petitioner, as stated in the Department's June 25, 2015, Letter of Intent and August 25, 2015, Letter of Imposition, or any alleged facts supporting or purporting to support the charge."

ADMENED STATEMENT OF ISSUES Propounded by the Commission:

1. Are the allegations in charges 1 and 2, as stated in the Department's letter of August 25, 2015, true?
2. If any or all are true, is the discipline appropriate?

EXHIBITS ADMITTED

DEPARTMENT'S EXHIBITS:

1. Letter of Intent (6/25/15)
2. Letter of Imposition (8/25/15)
3. Disposition Sheet (6/23/15)
4. Policy Sections Considered
5. Request for IAB Investigation (7/24/14)
6. Personnel Investigation Form (4/29/15)
7. Transcript, IAB Interview of Deputy [redacted] (1/14/15)
8. Audio, IAB Interview of Deputy [redacted] (1/14/15)
9. Transcript, IAB Interview of [redacted] (2/10/15) (Over Appellant's Objection)
10. Audio, IAB Interview of [redacted] (2/10/15) (Over Appellant's Objection)
11. Transcript, IAB Interview of Christopher Valente (3/5/15)
12. Audio, IAB Interview of Christopher Valente (3/25/15)
13. Deputy Daily Worksheet for Deputy [redacted] on 8/18/13 (printed 3/25/15) (Exh. E to IAB Investigation)
14. Unit History Report for [redacted]Valente on 8/18/13 (printed 3/25/15) (Exh. F to IAB Investigation)
15. IAB Investigative Summary
16. Deputy [redacted]'s Daily Observation Report for 8/18/13

17. IAB Addendum, Investigative Summary

APPELLANT'S EXHIBITS:

A. Chris Valente [redacted]
B. Chris Valente [redacted]
C. Chris Valente [redacted]
D. Chris Valente [redacted]
E. Chris Valente [redacted]
F. Chris Valente [redacted]
L. [redacted] Patrol Preparation Document, August 17, 2013
M. [redacted] Daily Observation Report, [redacted] (Over Department's Objection)
R. [redacted] Phase I Evaluation Report, [redacted] (Over Department's Objection)
Z. [redacted]

BACKGROUND

Appellant Christopher Valente (Appellant) commenced his employment with the Los Angeles County Sheriff's Department (Department) on March 23, 1999, as a Deputy Sheriff (Deputy). At all relevant times, the Appellant was assigned as a Deputy Sheriff. His last performance evaluation [redacted]

The Appellant's work history shows the following discipline:

- [redacted];
- [redacted];
- [redacted];
- [redacted];
- [redacted];
- [redacted].

Appellant has received a [redacted], which was considered in reaching the decision to discharge him.

The Appellant was notified by the Sheriff's Department on August 25, 2015, in a Letter of Imposition, that effective as of the close of business on August 25, 2015, he was discharged from his position of Deputy Sheriff, Item No. 2708A. The basis of the discharge was stated as follows:

1. On or about March 25, 2015, you knowingly gave untruthful or misleading statements during your formal interview, as evidenced by, but not limited to:
   a) Denying you directed Deputy [redacted] to return methamphetamine back to Witness [redacted] on August 18, 2013; and/or,
   b) Denying you directed any trainees to give drugs back to suspects or people that you detained; and/or,
   c) Denying that you returned drugs back to suspects or people you detained, with the exception of marijuana.
2. On or about August 18, 2013, as well as on other admitted occasions, you failed to conform to the work standards established for your rank, failed to strictly adhere to the policies and procedures mandated prior to use of an informant, falsified information in a log, and returned what you believe to be methamphetamine to a suspect, as evidenced by, but not limited to:
   a) recovering a crystalized substance believed to be methamphetamine from the person of Witness [redacted] and directing Witness [redacted], a trainee, to not arrest Witness [redacted], return the methamphetamine to Witness [redacted], and allow Witness [redacted] to leave; and/or,

b) admitting to a pattern and practice of returning recovered illegal narcotics to individuals in the field, negating the necessity to make an arrest or book evidence in order to cultivate informants in a fashion inconsistent with the established policy and procedures for the use of informants; and/or,

c) entering and/or causing to be entered a false call clearance that failed to document misdemeanor and felony crimes, the seizure of illegal narcotics, and the search of Witness [redacted].

Appellant denied the allegations or that he had violated the Department's policies. He also asserted that even if the allegations were found to be true, the discipline was not appropriate.

APPELLANT'S DUE PROCESS OVERVIEW

After receiving the Intent to discharge letter dated June 25 2015, (D-1), Appellant exercised his due process rights and attended a *Skelly* meeting pursuant to Civil Service Rule 18.01(c). After carefully considering the presentation by Appellant and his Attorney, it was determined that the recommended discipline was appropriate.

BURDEN OF PROOF IS ON THE DEPARTMENT

Pursuant to **California Evidence Code Section 115,** burden of proof means the obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court. Evidence Code 115 provides that "Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence." The moving party has met its burden once it shows that its version of a fact is more likely than not the true version.

However, the burden of proving affirmative defenses rests with Appellant (County of Los Angeles Civil Service Rule 4.12). An affirmative defense in a civil action must be established by a preponderance of evidence (*See* Bartosh vs. Banning (1967) 251 Cal. App. 2d 378, 386).

Issue No. 1:

ARE THE ALLEGATIONS CONTAINED IN THE DEPARTMENT'S LETTER OF AUGUST 25, 2015, TRUE?

Civil Service Rules, PART 1 – RULE 4.10(A) EVIDENCE, provides that: The hearing shall be formal, but need not be conducted according to technical rules relating to evidence and witnesses.

Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence or objection in civil actions.

SUMMARY OF THE HEARING TESTIMONY

The Department offers testimony to prove that Appellant was discharged based upon the following violation of the Department's Manual of Policy and Procedures (Exh.1, 2 and 4).

DEPARTMENT'S WITNESSES

1. Lt. Jesus Carrasco-IAB Investigator

Lt. Carrasco testified that he formerly worked for the IAB and was assigned to investigate Appellant (8/15/17 Trans. 61: 18-19, 62: 14-17). Lt. Carrasco first learned

that Appellant might have returned drugs to a suspect on January 14, 2015, when Lt. Carrasco interviewed Deputy [redacted] about other allegations against Appellant (8/15/17 Trans. 63: 2-7, 67: 16-18; Exh. 7 p. 1).

Deputy [redacted] told him that during Deputy [redacted]'s training he and Appellant (his training officer at the time) pulled over a Mexican National in a small white Toyota for driving without headlights (8/15/17 Trans. 67:20-68:5). Appellant found a crystalline substance in the man's effects, which Deputy [redacted] believed to be crystal meth (8/15/17 Trans.68: 6-11). Appellant asked Deputy [redacted] to ask the man, [redacted], where he got the drugs (8/15/17 Trans. 69: 4-9). Mr. [redacted] said that he had borrowed it from a friend and forgotten to give it back (Exh. 7, pp.13-14). Then Deputy [redacted] tried to arrest Mr. [redacted], but Appellant would not let him (8/15/17 Trans. 69: 13-19). Instead, at Appellant's instruction, Deputy [redacted] gave the methamphetamine back to [redacted] and let [redacted] go, (Exh. 7, p.14).

After interviewing Deputy [redacted], Lt. Carrasco went through the unit history for the period that Deputy [redacted] was Appellant's trainee and found a traffic stop that matched the location and type of vehicle that Deputy [redacted] described (8/15/17 Trans. 69: 20-70: 2). That stop was represented on the Deputy Daily Worksheet for August 18, 2013 (Exh.13; 8/15/17 Trans. 73:4-74:15). The Deputy Daily Worksheet indicated that the call was listed as only a warn and advise for driving in darkness without headlights, without mention of any discovered narcotics (8/15/17 Trans.74: 19-75: 6; Exh.13, p. 1).

Lt. Carrasco then found the Unit Details for August 18, 2013 (Exh.14), the date of the call that matched Deputy [redacted]'s description (8/15/17 Trans. 75: 10-21, 76: 20-77:21). That document showed that at the time and location in question Deputy [redacted]

and Appellant's unit ran a check on the name "[redacted]" with a birthday of [redacted] (8/15/17 Trans. 77: 14-77: 25; Exh.14, p. 1).

This search yielded multiple results, so he went first to the address closest to the incident and left a business card for [redacted] to call him (8/15/17 Trans 79:7-13, 117:19-24). [redacted] did call him and the two scheduled an interview on this matter. (8/15/17 Trans.79: 14-16).

Lt. Carrasco interviewed [redacted] on February 10, 2015 (8/15/17 Trans.80: 2-7; Exh. 9). [redacted] confirmed that he was the one who was stopped on August 18, 2013 (8/15/17 Trans. 81: 11-14). [redacted] confirmed that he was stopped by two Los Angeles Sheriff's Department peace officers whose physical descriptions matched those of Appellant and Deputy [redacted] (8/15/17 Trans. 81: 15-21, 83: 9-25). [redacted] confirmed the location of the stop (8/15/17 Trans. 81: 22-82: 5). [redacted] confirmed that he was stopped because he was driving without headlights on and also that he was driving a small, white Toyota (8/15/17 Trans. 82: 8-19). [redacted] even confirmed that the peace officers found a small bindle of narcotics on this person, which he claimed his friend had given him, and that the officers had returned the drugs to him and let him leave the location (8/15/17 Trans. 82: 24-83: 8). There were some small inconsistencies between Deputy [redacted]'s account of the event and [redacted]'s, but Lt. Carrasco did not consider them significant (8/15/17 Trans. 82: 11-22, 83: 18-19, 84: 1-12, 90: 4-10).

Lt. Carrasco also found a Daily Observation Report ('DOR") for August 18, 2013 (Exh.16), which was drafted by Appellant (8/15/17 Trans. 95: 23-96:19). That DOR described a traffic stop that matched the location and general description of the stop

that Deputy [redacted] and [redacted] described (8/15/17 Trans.99: 8-21; Exh.16, p. 3). Appellant wrote that Deputy [redacted] "failed to locate a bindle of methamphetamine" during the stop (8/15/17 Trans. 98:15-99:4; Exh.16, p.3).

Next, Lt. Carrasco interviewed Appellant (8/15/17 Trans.101:13-16). During the interview, Appellant claimed not to remember the stop (8/15/17 Trans.103: 7-12). Appellant claimed he never instructed any of his trainees to return methamphetamine to anybody (8/15/17 Trans.105:9-14). Appellant claimed that he would have arrested a person on whom he found narcotics and booked the narcotics into evidence (8/15/17 Trans.113:11-25). However, Appellant then admitted to a pattern and practice of returning marijuana to suspects (8/15/17 Trans.105: 15-20). Appellant also admitted that he had recently returned misdemeanor-level methamphetamine to a suspect in exchange for information (8/15/17 Trans.105: 21-106: 8). Appellant admitted that when he did this he did not follow mandatory Department policies for cultivating informants (8/15/17 Trans.108: 21-109:2).

2. Deputy [redacted]-Eyewitness

Deputy [redacted] met Appellant when Appellant was assigned to be his training officer (8/15/17 Trans.176: 25-177: 8). Deputy [redacted] was in the field training program [redacted] (8/15/17 Trans.177:10-15). Appellant was not his training officer for that entire period. He could not handle the training program under Appellant, so he requested and received a new training officer, Deputy Eric Valdez (8/15/17 Trans.177:16-178:7).

Deputy [redacted] felt he [redacted] under Deputy Valdez, but was [redacted] (8/15/17 Trans.181:8-15, 182:1-5). Deputy [redacted]

[redacted] in 2015 (8/15/17 Trans.188: 6-9). Deputy [redacted] felt Appellant mistreated him, made inappropriate comments and did not want him to pass the program, but he never reported Appellant (8/15/17 Trans. 178:13-180:18). He did not want to "get back" at Appellant and was happy to move on (8/15/17 Trans.180:13-18). He did not and does not have any complaints about Deputy Valdez, even though it was Deputy Valdez who [redacted] him (8/15/17 Trans.182: 6-8). It was not until IAB reached out to him for an interview regarding other people's complaints about Appellant that Deputy [redacted] reported his experiences with Appellant (8/15/17 Trans.182:9-14, 190:16-191:4).

Deputy [redacted] testified that he and Appellant pulled over a car on Cesar Chavez and Eastern in the early morning in August 2013 (8/15/17 Trans.182: I17-25). They pulled the vehicle over for driving without headlights (8/15/17 Trans.183: 4-5). The man turned out to be an unlicensed driver (8/15/17 Trans.183:9-12). Deputy [redacted] quickly checked the man's personal belongings and searched his car but did not find anything (8/15/17 Trans.183:15-21).

Appellant instructed Deputy [redacted] to ask the suspect where the drugs were (8/15/17 Trans.183: 23-184: 5). Deputy [redacted] asked [redacted] where the drugs were and he denied having any. Deputy [redacted] told Appellant what the man said, and Appellant told him to ask again (8/15/17 Trans.184: 5-9). Again, the man denied having any. Appellant then presented a plastic baggy and told Deputy [redacted] to ask Mr. [redacted] to whom it belonged (8/15/17 Trans.184:10-12). Deputy [redacted] did not see from where Appellant acquired the baggy but understood that Appellant found it in [redacted]'s wallet (8/17/17 Trans. 43:10-44:1). Deputy [redacted] opened the bag and saw that it

contained a crystalline substance resembling methamphetamine (8/15/17 Trans.184:13-15). Deputy [redacted] asked [redacted] about the baggy and [redacted] said that he was holding it for a friend (8/15/17 Trans.184:16-18).

Deputy [redacted] had seen methamphetamine multiple times on ride-along before starting his training with Appellant and could tell the difference between rock crystal methamphetamine and just residue (8/15/17 Trans.181: 16-25, 198:20-199:10, 200:25). The baggy contained actual crystals, not just residue (8/15/17 Trans.184:22-185:2). He has also since arrested people for the possession of methamphetamine and is positive that the substance he observed that night was methamphetamine (8/15/17 Trans.187:18-23).

After they finished talking about the methamphetamine, Appellant instructed Deputy [redacted] to let Mr. [redacted] go (Trans.185: 12-16). Deputy [redacted] hesitated, but eventually let [redacted] go (8/15/17 Trans.185:18-186: 1). As [redacted] walked back to his car, Appellant instructed Deputy [redacted] to also give the man his drugs back (8/15/17 Trans.186:2-7). Appellant told [redacted] that when [redacted] found the drugs, Deputy [redacted] could make the arrest (8/15/17 Trans.186: 6-10). At Appellant's insistence, Deputy [redacted] tossed the baggy back to [redacted] (8/15/17 Trans.186: 12-15). If it were not for Appellant, Deputy [redacted] would have arrested Mr. [redacted] (8/15/17 Trans.186: 16-17).

Deputy [redacted] was in charge of clearing the calls (8/15/17 Trans.186:18-22). He testified that he did not believe he noted the narcotics in the call clearance but could not

recall if that was based on what he assumed Appellant wanted him to do or if it was based on Appellant's explicit instructions (8/15/17 Trans.186:4, 187: 1-6).

3. [redacted]-Eyewitness

[redacted] testified that he was pulled over by the Sheriff's Department and then contacted about it a couple of years later (9/6/17 Trans.8: 5-17). He told IAB investigators what happened that night. He gave truthful statements to the best of his recollection at the time (9/6/17 Trans. 8: 18-21, 8: 25-9:2).

When the deputies pulled him over, they found a drug called "crystal" on his person (9/6/17 Trans. 9: 3-10). The drugs were in a nylon plastic bag, which was in his wallet, which was in his pocket (9/6/17 Trans.18: 1-16, 19: 6-9, 30: 8-10). [redacted] testified that he was wearing the same jeans to the hearing as he was wearing that night and had the same wallet (9/6/17 Trans. 22: 8-10). He then demonstrated where he kept his wallet and explained that he considered the large pocket of his jeans to be his coin pocket (9/6/17 Trans. 23: 2-23, 26: 4-10). The deputies did not give him a ticket that night (9/6/17 Trans. 9: 11-14). The deputies gave him back the drugs and told him he could go (9/6/17 Trans. 9: 15-17, 34: 18-19).

APPELLANT'S WITNESSES

1. Lieutenant David Infante-Character Witness

Lt. Infante testified that he worked at East Los Angeles Station as the Early Morning Watch Command Lieutenant for [redacted] then again as an

[redacted] (9/6/17 Trans. 38: 5-10). Lt. Infante was the Early Morning Watch Command Lieutenant and Appellant was a Field Training Officer during the time in question (9/6/17 Trans. 38: 19-39: 2, 39: 11-15). During that time, Appellant made felony arrests and handled cases involving narcotics (9/6/17 Trans. 39: 7-10). However, Lt. Infante cannot recall any specific narcotics-related arrests by Appellant in that time and does not recall making any particular assessment of Appellant's abilities as they might relate to narcotics (9/6/17 Trans. 40: 1517). Lt. Infante was not with Appellant on August 18, 2013, and does not know what happened during the stop with [redacted]. He also was not present during Appellant's Internal Affairs interview (9/6/17 Trans. 49: 25-50: 12; 50: 18-20).

Lt. Infante admitted that if there was suspected methamphetamine on a person, he would expect that the person would have been arrested and the investigation continued (9/6/17 Trans. 3:4-54: 2, 59: 16-19). It would "absolutely" cause him concern if Appellant and his trainee found a bindle with something in it and simply returned the bindle to the owner and released him (9/6/17 Trans. 55: 5-10).

Lt. Infante also admitted that even returning misdemeanor amounts of marijuana is not appropriate (9/6/17 Trans. 58: 9-15). The Department's informant policy is extensive, and if a person plans to cultivate an informant they must follow that policy, including registration of the informant (9/6/17 Trans. 62: 19-63: 2). As far as Lt. Infante knows, one cannot simply return any kind of drugs to a person without going through that process (9/6/17 Trans. 63: 8-13, 63:24-64: 8, 65: 14-22).

Finally, Lt. Infante testified that the facts presented in this case would "absolutely" cause him to distrust Appellant (9/6/17 Trans. 91: 19-25).

2. Deputy Daniel Reyes-Character Witness

Deputy Reyes testified that he has been in patrol at East Los Angeles Station since 1997 (9/6/17 Trans. 95: 13-16). [redacted]. He found Appellant to be trustworthy (9/6/17 Trans. 98: 8-12). He and Appellant stopped people with only drug packaging and, on those occasions, let the people go (9/6/17 Trans.110: 23-102: 1, 102: 8-11). In those cases, they documented only the reason why they pulled the suspect over and their information in the daily worksheets (9/6/17 Trans.103: 2-7).

However, if a substance were found and suspected to be drugs, the deputy should arrest the suspect and bring in the potential drugs to have them tested (9/6/17 Trans.110: 14-111: 3, 113: 1-7). Deputy Reyes admitted that the DOR Appellant wrote regarding this incident states that Appellant found a bindle of methamphetamine that Deputy [redacted] failed to find (9/6/17 Trans.114: 15-115: 9). Based on his training and opinion of Appellant, he would expect that Appellant meant what he wrote in the DOR – that the bindle was filled with a substance that appeared to be methamphetamine (9/6/17 Trans.119: 12-15). If there were nothing in the bindle, he would expect that it would not have been mentioned in the DOR (9/6/17 Trans.120: 6-11). Based on what the DOR says, Deputy Reyes would have arrested the suspect, though he has heard of deputies letting people go for possession (9/6/17 Trans.116: 22-117: 10). He would have then noted the arrest in the log (9/6/17 Trans.117: 11-13, 120: 25-121: 4).

Deputy Reyes has no knowledge of the August 2013 incident (9/6/17 Trans.108:14-16). He also did not know that Appellant admitted to IAB that he had a pattern and practice of returning drugs to suspects (9/6/17 Trans.109: 8-10). If Appellant gave narcotics back to people, that would constitute a policy violation (9/6/17 Trans. 109: 11-13). The informant policy requires a long, drawn-out procedure including registration for the cultivation of informants (9/6/17 Trans.109: 22-110: 4). Deputies are not supposed to just give people back their drugs (9/6/17 Trans.110: 5-11).

3. Character Witnesses: Deputy [redacted]; Deputy Fernando Galvan; Deputy Eduardo Muniz; Deputy Englebert Perez

Deputy [redacted], Deputy Galvan, Deputy Muniz and Deputy Perez testified that Appellant was their Training Field Officer at East Los Angeles Station at different times. In their time as Appellant's Trainee, they made arrests for possession of controlled substances. They have never seen Appellant return narcotics to a suspect and have never heard rumors of him doing so.

Deputy [redacted] admitted he was not present during the interaction with [redacted] (9/6/17 Trans.156: 9-11). Upon reviewing the DOR that Appellant wrote regarding the incident, Deputy [redacted] understood that there was a bindle of methamphetamine at the scene (9/6/17 Trans.144: 19-23). Had it been Deputy [redacted]'s trainee, he would have gone back through the search with the trainee, arrested the suspect for possession of methamphetamine and noted in the call clearance that they found drugs on the suspect (9/6/17 Trans.144: 24-145: 16).

Deputy [redacted] testified that he was not aware Appellant told IAB that he gave suspects back "dope" all the time and further testified that deputies are not supposed to

do that (9/6/17 Trans.154: 23-155: 7). He confirmed that there is a long policy for cultivating informants. It would violate policy to give dope back to people in an effort to cultivate them as informants without notifying the Narcotics Bureau (9/6/17 Trans.155: 21-156: 1).

Deputy Galvan testified that if there were any doubts about what the substance was, however, he would bring the substance in to get it tested (9/6/17 Trans.178: 9-11). He never heard any rumors that Appellant would return narcotics to suspects (9/6/17 Trans.171: 9-13). However, he did not know that Appellant told IAB that he returned dope to suspects all the time and said that admission would concern him (9/6/17 Trans.174: 10-12, 174: 21-175: 5). He confirmed the Department's Informant policy requires deputies register potential informants before cultivating informants (9/6/17 Trans. 175: 6-12, 175: 24-176: 1).

Based on his experience with Appellant and Appellant's language in Exhibit 16, he would expect that a bindle of methamphetamine was actually found during the stop (9/6/17 Trans.171: 21-172: 9, 178:18-24). Based on that, there should have been an arrest of the person who had that bindle of methamphetamine, and the bindle of methamphetamine should have been entered into evidence (9/6/17 Trans. 172: 10-173: 1).

It would be a violation of policy to return narcotics to a suspect without Department notice or approval (9/6/17 Trans.177: 8-11). It would be a violation of policy for one to put false information into official Department documents such as the Deputy Daily Worksheet (9/6/17 Trans.177: 12-16).

Deputy Muniz testified that when Appellant wrote DORs for him they would go over the DORs together (9/6/17 Trans.194: 10-13). Deputy Muniz expected and needed the DORs to be accurate because they could form the basis of his passing or failing training (9/6/17 Trans.196: 2-9). Appellant never wrote anything in the DORs that Deputy Muniz disagreed with. He testified that if a DOR stated that a trainee missed a bindle of methamphetamine, Deputy Muniz would be certain that there was actually a bindle of methamphetamine in the wallet and that the trainee actually did miss it (9/6/17 Trans.196: 14-17, 198: 7-10). Based on the DOR, the discovery of the narcotics should have been listed on the call clearance tag on Exhibit 13 and an arrest should have been made (9/6/17 Trans.198: 11-199: 1).

Deputy Muniz testified that it would violate policy for Appellant to have told his trainee to return the narcotics to the suspect, let the suspect go, and clear the call as a warn and advise. That would violate policy and possibly be a crime (9/6/17 Trans.199: 2=17). Appellant's admitted pattern and practice of returning suspects' "dope" is also a violation of policy (9/6/17 Trans.202: 10-12).

Deputy Perez testified that when Appellant wrote his DORs they were accurate and complete (9/6/17 Trans. 212: 11-19). He expected and trusted that Appellant would draft accurate DORs because his training progression depended on it (9/6/17 Trans. 216: 5-11). If Appellant drafted a DOR that stated that a trainee missed a bindle of methamphetamine that would mean that the trainee actually did miss a bindle of methamphetamine (9/6/17 Trans. 217: 18-21).

If a bindle of methamphetamine were found, they should arrest the suspect. (9/6/17 Trans. 217: 23-218: 5). Appellant's admitted practice of returning drugs to suspects all the time is wrong and could result in discharge (9/6/17 Trans. 220: 7-14).

4. Sergeant Eric Valdez-Character Witness

Sgt. Valdez testified that he has worked at East Los Angeles station for the last [redacted] (9/12/17 Trans. 8: 20-9: 1). He was a Field Training Office[redacted] [redacted] and trained [redacted] (9/12/17 Trans. 9: 2-14). He trained Deputy [redacted] after Appellant trained him (9/12/17 Trans. 9:18-20).

Sgt. Valdez testified to [redacted].

[redacted]

[redacted]

[redacted]

[redacted].



[redacted]

Finally, Sgt. Valdez testified that he would not return the drugs and would not let the individual go with just a warning (9/12/17 Trans. 23: 6-23). He would also not return marijuana to anybody (9/12/17 Trans. 24: 15-19). He did not train Appellant to do that and did not know that Appellant had a pattern and practice of doing that (9/12/17 Trans. 32: 6-33: 20). It would concern him if he learned a deputy was engaged in that practice and he would take action to stop it, including reporting it to his superiors (9/12/17 Trans. 33: 22-34: 4). Appellant returning confiscated drugs to [redacted] would itself be a crime (9/12/17 Trans. 34: 14-23).

5. Appellant Christopher Valente

Appellant testified that he was employed by the Department from [redacted] (9/12/17 Trans. 54: 17-25). In that time, he effectuated "a few hundred" arrests for possession of narcotics (9/12/17 Trans .55: 17-21). He has taken courses in recognizing narcotics and has testified as an expert on narcotics (9/12/17 Trans. 56: 1-57: 4). Throughout his career, Appellant received various awards and recognitions for his work in narcotics (9/12/17 Trans., *See, e.g.,* 57: 16-18).

Appellant became a Field Training Officer in the latter [redacted] and trained a total of approximately [redacted] (9/12/17 Trans. 76: 12-20). During the time he was working with trainees, he made "a few hundred" arrests for possession of narcotics (9/12/17 Trans. 76: 24-77:3). Appellant testified that in total he has stopped thousands of people during his time as a patrol deputy and arrested hundreds (9/12/17 Trans. 79: 22-80: 7). Appellant claimed that he never returned any narcotics to any suspect during his time at East Los Angeles Station (9/12/17 Trans. 77: 18-21).

A "bindle" is just packaging to transport or facilitate narcotics. It could be plastic wrap, a torn piece **of plastic, a** Ziploc bag, a dollar bill, a piece of toilet paper, or just about anything else one could find (9/12/17 Trans. 81: 13-24). Appellant frequently comes across bindles that do not have any narcotics in them (9/12/17 Trans. 82: 14-17). In those cases, he gives the bindles back (9/12/17 Trans. 82: 21-23). If he were to make an arrest for a bindle of suspected narcotics, he would describe the bindle and the contents in the police report (9/12/17 Trans. 81: 25-82:10).

Appellant testified that when IAB asked him about [redacted] he really did not remember him (9/12/17 Trans. 83: 21-24, 86 4-10). Appellant testified that he now remembers the stop and that Deputy [redacted] entered the call tag before they discovered the bindle (9/12/17 Trans. 91: 10-20). [redacted] told them when they pulled him over that he did not have a driver's license, but Appellant later searched [redacted]s property to determine whether he had any identification on him (9/12/17 Trans. 90: 20-21, 94: 20-23). Appellant searched the wallet and found a small black piece of plastic "indicative of possession of narcotics" stuffed into one of its folds (9/12/17 Trans. 95: 4-9). He also found a Mexican identification card (9/12/17 Trans. 95: 10-12).

The black piece of plastic was a one-inch long cut corner of a plastic shopping bag (9/12/17 Trans. 95: 15-96: 1). Appellant took it to mean that [redacted], at some point, possessed some form of narcotics, but there were no actual narcotics in the bag (9/12/17 Trans.96: 3-9). It was at that point that Appellant asked Deputy [redacted] to ask [redacted] where the drugs were (9/12/17 Trans. 96: 10-17). [redacted] told Deputy [redacted] that he did not have any narcotics (9/12/17 Trans. 98: 10-12). Appellant admitted that he could have arrested [redacted] for driving without a license and that Deputy [redacted] did want to arrest him but claims that they had a priority fight call come in that was more pressing (9/12/17 Trans. 99: 18-22, 100: 14-101: 1, 102: 10-22).

Appellant testified that he wrote the DOR for that night quickly so it had lots of errors (9/12/17 Trans.105: 24-106: 19). The purpose of the entry in the DOR, he claimed, was just to highlight that Deputy [redacted] conducted [redacted] (9/12/17 Trans. 109: 9-14). Appellant admitted, however, that an empty bindle could store any number of illegal drugs, not just methamphetamine, and that he could have written "a bindle for narcotics" in the DOR (9/12/17 Trans.122: 14-22, 124: 9-11). Appellant also admitted that he made no mention of the priority call that allegedly trumped the [redacted] stop in the DOR (9/12/17 Trans.137: 10-21).

Appellant testified that when he told IAB he returned "dope" to suspects all the time, he meant marijuana (9/12/17 Trans. 84: 24-25, 86: 11-14). Appellant admitted that he did not have any confidential informants working for him while he was at East Los Angeles Station (9/12/17 Trans.112: 13-23, 116: 23-117: 5). Appellant claimed that when he said he returned marijuana all the time, he meant that he returned it to people who had medical marijuana cards (9/12/17 Trans. 87: 2-5).

Appellant admitted that he never told IAB about the alleged marijuana cards and never contacted IAB again to clarify his remarks or speak to them again once he had refreshed his recollection (9/12/17 Trans.160: 3-12,161: 17-162: 5). Appellant also admitted that he did not state any of this allegedly exonerating or explanatory information during his *Skelly* hearing, by which point he had already reviewed the DOR and knew the entire case against him (9/12/17 Trans.162: 6-19).

SUMMARY OF DOCUMEMTARY EVIDENCE

1. Appellant's IAB Interview Transcript

During Appellant's IAB interview, he was provided the Daily Worksheet and the Unit History Report for the [redacted] call on August 18, 2013 (Exh.11, pp. 9, 10). Despite being shown these documents, Appellant claimed not to have any recollection of the stop (Exh.11, pp.10, 11). Nonetheless, Appellant claimed that he would have arrested [redacted] if there were drugs on the scene and that he never directed any of his trainees to give any drugs back to any suspect (Exh.11, p. 11).

Appellant told IAB that he has returned marijuana to suspects but not any other drugs (Exh.11, p.12). Appellant then immediately admitted that was a lie and that he had actually returned methamphetamine to a suspect just the week prior. Appellant stated that he did so and took down the person's contact information in order to find out from whom the suspect got the methamphetamine. Appellant admitted that he did that "all the time" with "dope" if they were willing to work as informants (Exh.11, pp. 12-13). Appellant admitted that he did not notify the Narcotics Bureau or anybody else, regarding these incidents.

2. **Deputy [redacted]'s IAB Interview Transcript**

Deputy [redacted]'s allegations have been consistent through his IAB interview and hearing testimony. His statements most relevant to the [redacted] incident are in pages 12-15, 35, 36, and 38-38 of his IAB interview. As he testified in this matter, he told IAB that they stopped a white Toyota Camry or Corolla-type vehicle that was on approximately Cesar Chavez and Eastern for driving without headlights or a driver's license (Exh. 7, p. 12).

At that point, however, Appellant asked Deputy [redacted] to ask [redacted] where the drugs were. Initially, [redacted] denied having any drugs, but then Appellant produced a bindle of what appeared to be methamphetamine. Deputy [redacted] looked inside the bindle and confirmed that it appeared to contain methamphetamine (Exh.7, p.15). Upon discovery of the bindle of what appeared to be methamphetamine, Deputy [redacted] again tried to arrest [redacted] (Exh.7, p. 4). Instead, Appellant told Deputy [redacted] to give the drugs back to [redacted] and let [redacted] go (Exh. 7, p.14).

3. **[redacted]'s IAB Interview Transcript**

[redacted] told IAB that his birthday is [redacted], and that he recalled being pulled over approximately one-and-a-half years prior to the interview (Exh. 9, pp. 1-2). He confirmed that he was stopped at approximately Cesar Chavez and Eastern because one of his headlights was out (Exh. 9, pp. 2-6). He confirmed that he was driving a white Toyota Tercel at the time. Older-model Toyota Tercels had very similar bodies to the Camrys and Corollas at the time (8/15/17 Trans. 82: 11-19). He confirmed that it was the Sheriff's Department that pulled him over and that two Latino deputies were involved in the stop (Exh.9 p.4). He then confirmed that they found a plastic bindle

of white "crystal" in his effects (Exh.9 pp. 9-10). He confirmed that they gave him back the bindle of what appeared to be methamphetamine and let him go (Exh. 9 pp. 12-13).

4. Other Documents presented at Hearing

As discussed at length elsewhere, the DOR that Appellant drafted regarding the incident (Exh.13) and the Unit History Report (Exh.14) show that no arrest was made or drugs confiscated following the [redacted] stop. The Deputy Daily Worksheet shows that the call was cleared as a Disorderly Conduct for which the subject was warned and advised (Exh.13, p.1). Exhibit 16 was drafted by Appellant and Exhibit 13 was created either by him or under his supervision. Therefore, Exhibit 16 is taken as an admission and Appellant is held accountable for the false statements recorded (Exh.13).

Charge #1

3-01/040.75, Making False Statements During Departmental Internal Investigations: Department Policy provides for the following: Knowingly giving untruthful or misleading statements during Internal Investigations is a violation of policy.

Appellant, a Field Training Officer with the Sheriff's Department, on or about March 25, 2015, Appellant gave untruthful or misleading statements during his IAB formal interview. Appellant denied that he directed Deputy [redacted] to return methamphetamine back to witness [redacted] on August 18, 2013. He denied that he directed any trainee to give drugs back to suspects or people that he detained with the exception of marijuana.

Through multiple eyewitness accounts, official Department records and Appellant's own statements, the Department has proven by a preponderance of evidence that Appellant engaged in the conduct alleged and then failed to make true and complete statements about it to Internal Affairs investigators.

Charge #2

3-01/030.05, General Behavior; 3-01/030.10, Obedience to Laws, Regulations, and Orders as it pertains to 3-01/110.60 (Use of Informants; 3-01/110.65, Informant Package; 3-01/110.75 Managing Informants; 3-01/050.10, Performance to Standards; and/or 3-01/100.35, False Information in Records.

On August 18, 2013, Appellant failed to conform to the work standards established for his rank as outlined for the position of Field Training Officer. The evidence presented at the hearings in this matter establishes that Appellant failed to adhere to Department policy when he directed his trainees to return felony narcotics to a suspect and let the suspect leave the scene, failed to document the narcotics, failed to make truthful statements to internal investigators about his inappropriate conduct, and engaged in a pattern and practice of returning drugs to people without going through appropriate Department practices and channels (per the testimony of Assistant Sheriff Bobby Denham, Lt. Jesus Carrasco, Deputy [redacted] and [redacted] at the hearing).

DISCUSSION

CREDIBILITY OF WITNESSES:

The Appellant and the Department presented two different versions of what conduct was made in violation of Department rules. This case does not hinge on whether Deputy [redacted] passed his Field Training or not. This case hinges on what Appellant did or should not have done because he is a sworn Peace Officer and Peace Officers are held to the highest standard of care and professionalism. This case hinges on who was most consistent and/or believable and whose version of the facts is more likely than not the true version.

DEPARTMENT'S WITNESSES:

The Department's four witnesses: Lt. Jesus Carrasco, IAB Investigator, Deputy [redacted], [redacted] and Assistant Sheriff Bobby Denham, Decision-maker, were all very serious and credible witnesses.

Appellant's Opposition:

Appellant spent a substantial amount of time at hearing attempting to paint Deputy [redacted] as having concocted his allegations in retaliation for Appellant's role in Deputy [redacted]. However, Appellant's theory ignores the fact that Deputy [redacted] never made any complaints about Deputy Valdez, the person who ultimately decided [redacted] (8/15/17 Trans.182: 6-8). Appellant also ignores that Deputy [redacted] did not make any complaints or allegations until IAB reached out to him about one-and-a-half years after the fact and that even then he was hesitant to give statement (8/15/17 Trans.182: 9-14, 190:-191: 4; 8/17/17 Trans.112: 10-21). As Assistant Sheriff Denham testified, it does not make sense to say that Deputy [redacted] would wait over a year and until somebody else questioned him about it before making his "retaliatory" allegations. (8/17/17 Trans.133:4-11). In short, appellant's entire theory is based only on the fact that Deputy [redacted] did not ultimately complete training under Appellant, which is tantamount to no evidence at all. Indeed, Assistant Sheriff Denham specifically considered Deputy [redacted]'s motives for making the allegation and found that there was no evidence at all that his allegations were falsified (8/17/17 Trans.114: 25-115: 20,135: 21-23).

Conversely, a substantial amount of independent evidence corroborates Deputy [redacted]'s allegations. As outlined above, Deputy [redacted]'s account is supported by a

disinterested third-party witness and multiple official Department documents including one penned by Appellant himself. Assistant Sheriff Denham testified that all the evidence taken together supported the charges, not just Deputy [redacted]'s statements (8/17/17 Trans.133: 12-17). Appellant's theory, therefore, is irrelevant, because regardless of Deputy [redacted]'s motivations for telling IAB what happened, *the evidence still proves that it did happen.*

Appellant's attempts to discredit Deputy [redacted] failed and, in any event, ignore that an independent witness and Appellant's own statements also prove the allegations.

Appellant's attempt to discount [redacted]'s statements to IAB and testimony are without merit.

Appellant attempted to elicit testimony on cross-examination implying that the [redacted] interviewed by IAB might not have actually been the [redacted] who was an eyewitness to the conduct in question. Appellant has presented no evidence to support this claim. Appellant has also failed to explain how the [redacted] who talked to IAB and testified before the hearing officer would have known the details of this case if he were not present or why the "imposter" would admit to Los Angeles Sheriff Department investigators that he was in possession of a felony narcotic if that were not the case.

Appellant's Credibility. Appellant appeared to be candid in admitting to not complying with the policies and procedures related to the management of informants by allowing criminals to walk free with their illegal narcotics. Appellant admitted to a pattern and practice of returning recovered illegal narcotics to individuals in the field, but denied this occurred during the incident on August 18, 2013, despite Witness [redacted]

and Witness [redacted] saying it did occur. A significant amount of credibility should be placed on the fact Witness [redacted] is an independent witness with nothing to gain from admitting he possessed methamphetamine.

The **weight of the evidence** as presented at the hearing in the form of the Department's witnesses and exhibits were unquestionably trustworthy and weighed in favor of the Department. The Department's version of the facts is more likely than not the true version.

The **Mitigating circumstances** in this case is that Appellant has been an employee of the Sheriff's Department for 16 years. His last performance evaluation rating was [redacted]." During this period he received [redacted].

The **Aggravating circumstances** in this case are that Appellant had an obligation to maintain the highest ethical standards. Appellant's conduct was so egregious that it compromised the integrity of the Department. Appellant's [redacted]. His actions, specifically his dishonesty, the mistreatment of trainees and his informant management practices bring discredit and undue embarrassment upon the Department.

Appellant's actions forced trainees into choosing to separate from the Department and exposed the Department to potential liability in the future. In fact, a portion of the liability, compensated overtime, has already been settled. Appellant has received a total of [redacted].

APPELLANT'S offered Excuses and Explanations:

Appellant's Attorney did not articulate or offer any Affirmative Defenses. However, Appellant did offer **Excuses and Explanations** that are not supported by evidence.

Appellant's explanation regarding the bindle of methamphetamine is not supported by fact or law.

Appellant claimed that he found only a bindle for methamphetamine on Mr. [redacted], which was empty except for trance amounts of methamphetamine. Therefore, the theory goes, it was correct for him to direct Deputy [redacted] to let [redacted] go. Appellant's argument is based on a false premise and, even if it were not, is without support in Department policy or state law.

First, Appellant's claimed account makes no sense. Multiple witnesses, including Appellant himself, stated that bindles were made for transporting multiple types of narcotics (9/12/17 Trans. 46: 2-5; 122: 14-22). It is beyond dispute that multiple types of narcotics -- any of those that come in a powder-like-form - - could have physical structures similar to methamphetamine in its crystalline form. Therefore, there is no way for somebody to know that a particular bindle was "for" methamphetamine unless there was methamphetamine in it. Otherwise, it would simply be an empty bindle of the type that could be used to transport any number of narcotics. Therefore, Appellant's claim that he intended to write "bindle *for* methamphetamine" is belied by the fact that *nobody would write that unless they* ***knew*** *methamphetamine was present.* Deputies Reyes, [redacted] and Muniz, all three Appellant's own witnesses, testified that it would

make no sense to mention an empty bindle in a DOR (9/6/17 Trans.120: 6-11, 142: 17-20, 201: 2-11).

Second, the evidence shows that there was, in fact, a significant amount of methamphetamine on [redacted]'s person. Both eyewitness [redacted] and [redacted] refute Appellant's claim that the bindle contained only residue or, as he revised his position to be at hearing, nothing at all (8/15/17 Trans. 84: 20-23). [redacted]'s testimony should be particularly persuasive as he had no reason to make up the statements and every reason (specifically, Felony drug charges) to deny them.

Finally, Lt. Carrasco, Deputy [redacted], and Assistant Sheriff Denham all testified that *even if Appellant's version of events were true, he could and should still have arrested* [redacted] for possible possession of narcotics, reasonable suspicion of having consumed illegal narcotics, reasonable suspicion of having driven while under the influence, and driving without a license (8/15/17 Trans. 85: 3-24, 90: 15-21,185: 7-11; 8/17/17 Trans., 76: 20-77: 10, 201: 2-14, 128: 13-16. 129: 12-130: 2, 133: 25-134:5, 139: 9-14, 144: 22-24).

Appellant's implicit argument that he was a good deputy so he must not have committed the alleged misconduct ignores the evidence and is illogical.

Appellant introduced and elicited evidence that he had a history of commendations for drug-related arrests, the apparent purpose of which was to argue that those commendations indicated he would not have committed the conduct alleged. Similarly, Appellant appears poised to argue that the language he wrote in the DOR should be ignored because if one were to take the time to record that there was a bindle of methamphetamine, one surely would have arrested the suspect for it. Finally,

Appellant elicited extensive testimony that the fact the call was cleared as a warn and advise would indicate that the call was actually just a warn and advise. For as simple as it is, Appellant's argument includes an incredible amount of failings.

First, it assumes the conclusion that Appellant must not have returned felony drugs to [redacted] because he does not return felony drugs to people. As to the DOR, Appellant argues that he could not have meant what he wrote because had he found drugs on [redacted], he would have arrested [redacted] and documented the evidence. Similarly, Appellant argues that the fact that the call was cleared as a warn and advise must mean that it was actually just a warn and advise, because if there were narcotics present he would have cleared the call as such. Again, Appellant assumes the conclusion that Appellant is being disciplined, in part, precisely because the evidence shows he failed to act in these ways that he and his witnesses agree were expected of him.

Finally, the Department has proven the alleged conduct did happen through two eyewitnesses and Appellant's own admissions. Appellant cannot erase all the evidence against him by claiming one piece of it -- the admission in his DOR -- was just a typo.

Charges and Discipline;

Here the Department has shown that the "Guidelines for Discipline" (Exh. 3, pp. 9-10) regarding the remaining charges against Appellant were as follows:

GUIELINES FOR DISCIPLINE

Conduct	Range of Discipline
General Behavior	W/R to Discharge
Obedience to Laws, Regulations,	

and Orders	W/R to Discharge
Failure to Make Statement, and/or Making False Statements During Departmental Internal Investigations	25 Days to Discharge
Performance to Standards	W/R to Discharge
False Information in Records	20 Days to Discharge

Issue No. 2:

IF ANY OR ALL ARE TRUE, IS THE DISCIPLINE APPROPRIATE?

County of Los Angeles Civil Service Rule 18.01(a) and 18.02(a) specifically provide for a permanent employee being discharged or suspended. Rule 18.031 provides for discharge, reduction or suspension where an employee fails to meet explicitly stated or implied standards of performance and this includes qualitative as well as quantitative elements of performance.

Assistant Sheriff Denham, Decision-maker

Then-Chief, Assistant Sheriff Denham served as decision-maker in this case (8/17/17 Trans. 68: 5-10). He has served as decision-maker in well over 100 disciplinary actions (8/17/17 Trans. 8: 11-19). His general practice when serving as decision-maker is to review the entire case file, determine what charges are sustained, and then determine what level of discipline is appropriate (8/17/17 Trans. 68: 20-25). He followed that same practice in this case (8/17/17 Trans. 69: 1-8).

The **first charge** of making false statements was supported by the fact that Appellant denied giving or advising his trainee to return a bindle of methamphetamine to

a suspect and that he generally denied returning drugs to people except for marijuana (8/17/17 Trans. 71: 3-17). Appellant also stated during his IAB interview that he did not recall the stop in question (8/17/17 Trans. 72: 14-19).

Assistant Sheriff Denham compared that to [redacted]'s statements to IAB wherein [redacted] stated that he was stopped and the deputies returned a bindle of what he believed to be meth to him (8/17/17 Trans. 72: 23-73: 5). [redacted]'s statements thereby corroborated Deputy [redacted]'s allegations (8/17/17 Trans. 73: 6-9). Assistant Sheriff Denham found [redacted] both credible and persuasive (8/17/17 Trans. 80: 22-81:1). Appellant's own statements in the form of the DOR that he wrote for the date of the encounter also supported Deputy [redacted]'s account of the events (8/17/17 Trans. 74: 19-75: 18). Based on all the evidence presented, Assistant Sheriff Denham determined that the alleged conduct did occur and Appellant's statements to IAB were, indeed, false (8/17/17 Trans. 76: 10-15, 89: 16-24, 133: 12-17, 142: 4-11).

The **second charge**, regarding Appellant's failure to follow Department policies and procedures regarding the handling of drugs and informants as proven by Appellant's admissions to IAB. Specifically, he admitted that he had a pattern and practice of returning drugs to suspects in a purported attempt to cultivate them as informants without following mandatory Department procedures for doing so (8/17/17 Trans. 72: 20-22, 82: 11-23,-86: 21). Assistant Sheriff Denham found these admissions to be very persuasive and sufficient to establish the second charge against Appellant (8/17/17 Trans. 87: 16-88: 3). Appellant's failures to arrest suspects for drug

possession, including [redacted], also constituted a failure to perform to standards (8/17/17 Trans. 98:13-99: 4).

Additionally, the failure to enter pertinent information into official records constitutes a falsification of those records (8/17/17 Trans. 77: 11-17). Thus, Appellant's failure to document that there was a bindle in the call clearance or mention anywhere that the bindle was returned to the suspect also establishes the second charge against him. By Assistant Sheriff Denham's reasoning, Appellant also falsified records every time he returned drugs to a suspect without properly documenting what occurred during the stop.

Appellant admitted that prior to this incident he had been [redacted] (9/12/17 Trans. 119: 16-120: 4). Assistant Sheriff Denham testified that this was an inordinately [redacted] for a person who had been with the Department as long as Appellant had (8/17/17 Trans. 93: 23-95: 7). Logically and per policy a person who has demonstrated an inability to learn from mere suspensions must be given a harsher discipline if the discipline is to have any meaningful effect.

Assistant Sheriff Denham testified that he would have found discharge appropriate even if the only established charge were making false statements to IAB (8/17/17 Trans. 93: 18-22).

Based on all the evidence in the investigation, Assistant Sheriff Denham determined that discharge was the appropriate discipline (8/17/17 Trans.70: 14-18). He

considered mitigating and aggravating factors such as Appellant's experience, [redacted], truthfulness, and acceptance of responsibility, but all of those factors supported more severe discipline because Appellant had a [redacted] and did not appear to be truthful or accept responsibility in this case (8/17/17 Trans. 93: 23-95: 7). The conduct was also severe because having Deputy [redacted] return the drugs to [redacted] put Deputy [redacted]'s career and the well-being of [redacted] and the general public at risk (8/17/17 Trans. 6: 10-18). Assistant Sheriff Denham presided over Appellant's *Skelly* hearing, but nothing presented at that hearing changed Assistant Sheriff Denham's decision to discharge Appellant (8/17/17 Trans. 78: 9-17).

CONCLUSION

Through multiple eyewitness accounts, official Department records and Appellant's own statements, the Department has proven by more than a preponderance of evidence that Appellant engaged in the conduct alleged and then failed to make true and complete statements about it to Internal Affairs investigators. Appellant's various excuses and personal attacks on the witnesses against him do nothing to disprove or lessen the charges against him. Appellant's egregious conduct demands that he be discharged, as his continued employment by the Department would put the Department and the public at risk.

FINDINGS OF FACT

Having considered the evidence and the contentions of the parties, the Hearing Officer makes the following findings:

1. The Appellant, Christopher Valente, was notified by the Sheriff's Department on August 25, 2015, in a Letter of Imposition that effective August 25, 2015, he would be discharged from his position as Deputy Sheriff, Item No. 2708A.
2. On August 18, 2013, Appellant, a Field Training Officer, and the deputy that he was training for patrol, [redacted] (Deputy [redacted]) pulled over a vehicle for a simple traffic violation.
3. Deputy [redacted] searched the driver and his vehicle but found no contraband. Appellant searched the driver's personal effects and found a small container of what appeared to be methamphetamine. At the time, possession of methamphetamine was a felony.
4. Deputy [redacted] wanted to arrest the man. Appellant ordered Deputy to let the man go saying, "[w]when you find the dope, you can make the arrest." Appellant ordered Deputy [redacted] to give the man back his methamphetamine, itself a crime.
5. Appellant allowed the call to be "cleared" in a fashion that indicated there were no crime, no confiscated drugs, and no arrest. Appellant maintained that it was the new trainee who was tasked with clearing the calls but admitted that it was his duty to oversee Deputy [redacted] to ensure it was done correctly. Appellant caused to be entered a false call clearance.

6. The man that Appellant and Deputy [redacted] pulled over that night, [redacted], a disinterested third party, *admitted* that he had possession of crystal meth on him that night but that the two officers had given it back to him and let him go without arrest or citation. [redacted] was a very credible witness.

7. Evidence at the hearing proved that in Appellant's formal interview on or about March 25, 2015, Appellant:

   a. Denied having directed Deputy [redacted] to return drugs to [redacted];

   b. Denied directing trainees to return drugs to detainees; and,

   c. Denied returning drugs to detainees except marijuana.

8. In the formal interview Appellant claimed not to remember the August 18, 2013 incident. He claimed that he never ordered a trainee to return any drugs to a suspect and that he himself never returned felony-level drugs. Appellant's memory cleared up for him at the hearing. Despite corroborating witness accounts and a report that Appellant himself wrote which stated Deputy [redacted] "Failed to find a bindle of methamphetamine," Appellant claimed that the bindle was empty all along. Based on these divergent accounts, the hearing officer found that Appellant was not believable or trustworthy.

9. Appellant admitted that he routinely returned non-felony-level drugs like marijuana to suspects without ever following required protocols for fostering informants. He admitted to returning methamphetamine on at least one occasion.

10. Based on the evidence the hearing officer found:

- Appellant made false statements during his Departmental internal investigation and formal interview.
- Appellant directed Deputy [redacted] to return drugs to [redacted], on August 18, 2013.
- Appellant directed trainees' to return drugs to detainees.
- Appellant routinely returned non-felony-level drugs like marijuana to suspects.
- Appellant skirted Department policies and the law.

CONCLUSIONS OF LAW

1. The Department has met its burden in proving that the allegations contained in its letter of August 25, 2015, are true.
2. The Department has met its burden of proving by a preponderance of the evidence that Appellant violated:

- Manual of Policy and Procedures Sections 3-01/040.75, Making False Statements, During Departmental Internal Investigations.
- Manual of Policy and Procedures Sections3-01/030.05, General Behavior; 3-01/030.10, Obedience to Laws, Regulations, and Orders as it pertains to 3-01/110.60 (Use of Informants); 3-01/110.65, Informant Packages; 3-01/110.75. Managing Informants; 3-01/050.10; Performance to Standards; and/or 3-01/100.35, False Information in Records.

3. The discipline imposed was within the Department's Guidelines for Discipline.
4. The Department has met its burden of proving by a preponderance of the evidence that the discharge discipline is appropriate.
5. The complaint and the disciplinary process were handled fairly.

RECOMMENDATION

It is recommended that the Commission adopt the following Order: The appeal of Appellant is denied. The allegations set forth in the Letter of Discharge dated August 25, 2015, are true and as such justify the Discharge of Appellant from the permanent position of Deputy Sheriff.

Date: Jan. 12, 2018

Respectfully submitted,

Joan Clay Manley

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